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**Minority Voices: The Representational Roles of African American
and Latino Legislators during State Legislative Deliberations**

by

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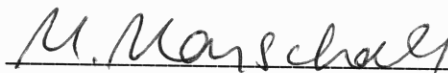
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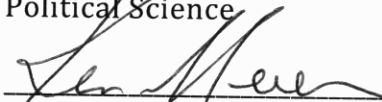
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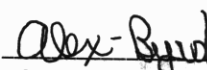
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DISSERTATION ABSTRACT

Minority Voices: The Representational Roles of African American and Latino Legislators during State Legislative Deliberations

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In this dissertation I systematically examine African-American and Latino legislator behavior in a legislative setting. The project specifically examines whether and how minority legislators represent and influence African American and Latino policy interests during the legislative process. I perform an analysis of minority legislator participation rates on bills and develop an original measure of substantive representation using patterns in legislative speech of state representatives' language during committee hearings. I build on existing theory in the representation literature and offer new hypotheses for expanding the scope of how substantive representation is defined and investigated, namely through an empirical investigation of the link between deliberation and descriptive representation. Second, I collect an original data set and develop an original measure of substantive representation to test these hypotheses with participation rates and a linguistic frame based content analysis approach of minority and non-minority representatives' language on bills for racial perspectives during state legislative committee hearings on several policy issue areas including, but not limited to education, healthcare, and immigration. Third, I offer a critical test of hypotheses to test whether African American and Latino representatives' (1) participate more when the legislation is deemed minority interest in comparison to their non-minority counterparts? (2) their behavior (or deliberation style) is different from non-minority legislators? (3) impact the deliberation style of non-minority legislators?

The analysis draws on original data collected through committee hearing tapes and online video archives of Texas committee hearings in multiple policy areas, and the findings indicate that minority legislators do indeed provide a voice for minority constituents, providing more minority interest language on minority interest bills in comparison to their nonminority colleagues, especially when the legislation is threatening to minority populations. These results support the argument that minority legislators do indeed substantively represent minority constituents at levels greater than non-minority representatives during the legislative process.

DEDICATION

This manuscript is dedicated to:

My husband, my best friend, my love, Norris Miller, whose immeasurable support is what has fueled me in the most difficult times and sustained me in the best of times;

My children, Jackson, Caiden and Mason, whose existence fueled my desire to reach my goals without ceasing. I pray that you will also never give up on your dreams.

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CHAPTER 1: INTRODUCTION

On July 22, 1993 Carol Moseley Braun, the first and only African American senator solely contested patenting the Confederate flag as the insignia of the United Daughters of the Confederacy. Senator Braun passionately objected to patenting this symbol because she noted that it was a reminder to the descendents of slaves of the horrors they suffered. As she stood in chambers she professed that the confederate symbol “is something that has no place in modern times, no place in this body, no place in our society” (Congressional Record July 22, 1993). Her passionate appeal led to the reversal of the approval votes (52-48) to an ultimate defeat of (75-25). Vice President Jo Biden, then Senator of Delaware, stated "I think you saw here today on the floor of the Senate one of the reasons why I and others have been saying for so long there is a need for diversity in this body" (Congressional Record July 22, 1993). He went on to state that, "the fact of the matter is that the senator from Illinois has pointed out something that has been sorely missing from this body - that one single voice speaking for millions and millions of voices in this country who feel like this body doesn't understand their problems” (Congressional Record July 22, 1993).

The referencing of this account provides the backdrop for my central research question “Does descriptive representation lead to substantive representation?” or in more specific terms “What is the impact of minority¹ legislators on legislation and the legislative process?” In this case, the argument can be made that had Senator Braun not been there, the measure would have been approved and sailed through the Senate without deliberation. It was evident that the senator provided a voice during the legislative

¹ Minority = African American and Latino state legislators only

process for an issue that was relevant to minorities. Yet, very little is known about minorities and the deliberative process and hardly any studies have empirically examined it (Canon 1999; Orey 2007; Gamble 2005; 2007).

The minority population in the United States continues to grow rapidly with this growth more minorities have entered into legislative politics across all electoral institutions, particularly state legislatures, which suggests that their increased numbers will offer minorities more opportunities to impact the policy making process on behalf of minority populations. Therefore, understanding “how” minority representatives may or may not substantively represent minority interests is desirable and lacking. Hence, this dissertation seeks to systematically examine African-American and Latino legislator behavior and “how” they represent and influence African American and Latino policy interests during the legislative process, in order to address the gap in the representation literature with regard to the deliberative process. As a result, this dissertation will focus on two broad questions: First, does descriptive representation result in substantive representation? Second, what representational role do African American and Latino state legislators play in the state legislative policy making process? This dissertation will also focus on three more refined research questions:

- (1) Do minorities participate more when the legislation is deemed racial in comparison to their non-minority counterparts?
- (2) Is there behavior (or deliberation style) different from non-minority legislators? If so, under what conditions? and
- (3) Do African Americans and Latinos impact the deliberation style of non-minority legislators?

In this chapter I discuss the arguments set forth in the minority representation literature, where this dissertation fits in with the current literature, and how I will expand upon current theories and methods of representation as they relate to minority substantive representation. In addition, I will provide a brief summary of the upcoming chapters.

MINORITY REPRESENTATION LITERATURE: A SUCCINCT ASSESSMENT

One basis for answering the questions outlined in the beginning of this chapter is found in the debate in the minority representation literature concerning descriptive and substantive representation. Using Pitkin's (1967) framework for defining representation as a guide, I will determine whether or not minority state legislators are "acting for" (substantive representation) rather than just "standing for" (descriptive representation) minority interests. The theoretical underpinnings for this project considers substantive representation which suggests that descriptive representatives who share unique experiences and backgrounds with minority constituents act as stronger advocates for minority group interests in comparison with non-minority legislators (Hero and Tolbert 1995; Mansbridge 1999; Pitkin 1967; Bratton and Haynie 1999; Grose 2005; Whitby 1997; Lublin 1999; Karnig and Welch 1980; Meier, Stewart and England 1989; Meier and Stewart 1991).

While many studies have found that race or ethnicity plays an important role in determining the probability of legislators to support minority group interests (Cameron, Epstein and O'Halloran 1996; Canon 1999; Lublin 1997; Tate 2003; Welch and Hibbing 1984; and Whitby 1997), other scholars have found that race or ethnicity does not

influence whether or not members will support these policies (Hero and Tolbert 1995; Swain 1993). A significant portion of the research that examines the impact that race has on substantive representation of minority interests involve bill sponsorship and constituency service (Bratton and Haynie 1999; Canon 1999; Hall 1996; Haynie 2001; Sinclair Chapman 2003), but a major part of our knowledge on race and substantive representation has developed from the analysis of roll call voting (Cameron, Epstein and O'Halloran 1996; Canon 1999; Hood and Morris 1998; Lublin 1997; Overby and Cosgrove 1996; Sharpe and Garand 2001; Swain 1993; Tate 2003; Whitby 1997). To understand the differences in findings, we need to examine the various aspects of behavior being examined.

African American state legislators have been found since the beginning of their entry into state legislative careers to assemble their agendas around the needs and interests of the African American community. For example, Sokolow (1971) finds that African Americans in the California state legislature introduced a large number of bills on crime, welfare, education, and health. Evident is how these issues overwhelmingly impact the African American community in comparison to their white counterparts, as African Americans tend to have health concerns that are unique to African Americans (Kahn et al. 1994; Williams and Collins 1996; Woods 1996), they are more likely to live below the poverty line, be victims of violent crimes, and encounter discrimination in the areas of employment and housing (Hacker 1992; Massey and Denton 1993).

Similarly, more recent research on Latino representatives finds that they too assemble their agendas around the needs and interests of the Latino community more broadly. Specifically, the Latino population faces comparable challenges to African

Americans in that the poverty rate among Latinos is three times that of non Latino whites, and they are more likely to face challenges in education, health, and discrimination (Bratton 2006). For example, as of 2007 the U.S. Department of Education finds that less than 8 percent of Latinos hold bachelors or advanced degrees (African Americans hold less than 10 percent), and even more astonishing, less than one fourth of Latinos (and African Americans) have completed high school. In addition, Latinos face numerous challenges related to immigration, because as of 2000, about 39 percent of the Latino population in the United States was foreign born (U.S. Census Bureau, 2000).

While these two groups have distinct racial differences, they both share an ethnic group consciousness which may play a significant role in determining policy preferences regarding ethnic issues because of their past experiences with discrimination and segregation, which extends to elected officials (Minta 2011). For example, in 2010 immigration reform was a hot button issue and created protests and political outrage at many levels, particularly the state level where many of these laws were being created. On multiple occasions African American and Latino state legislators banded together against these laws because they deemed them oppressive and a violation of civil rights. Particularly, the Arizona legislature passed a bill (SB1070) which allowed law enforcement to ask anyone for verification of immigrant status or risk jail time and possibly deportation under the guise of “reasonable suspicion”. This law set off major protests within and outside the Latino community. Many vehemently argued that this law would lead to racial profiling and discrimination. The National Black Caucus of State Legislators and the National Hispanic Caucus of State Legislators had planned a joint conference in Arizona but because of both organizations’ opposition to the law; it was

moved to another state. Similarly, Alabama passed House Bill 56 (HB56) passed during the 2011 legislative session which has the same provision for verification as SB1070, but goes further and prohibits illegal immigrants from receiving any state or local public benefits, attending any public university, renting to illegal immigrants, transporting or harboring illegal immigrants, and requires school officials determine immigration status of school children. This bill has come under intensive scrutiny from both the African American and Latino community. Overall, differences do exist with regard to the degree African Americans and Latinos agree on the impact particular issues affect their respective populations like immigration, discrimination, and civil rights violations, but both groups are much closer in their perspectives compared to whites (Pew Research Study 2008).

How has this knowledge of the construction of agendas translated into actual research that provides analysis involving rigorous hypothesis testing? A significant portion of the research that examines the impact that race has on substantive representation of minority interests involves bill sponsorship (Bratton and Haynie 1999; Canon 1999; Hall 1996; Haynie 2001; Sinclair Chapman 2003; Bratton 2006; Rocca and Sanchez 2008). This research draws the conclusion that there is a lack of minority legislative influence (Rocca and Sanchez 2008). Consequently, substantive representation by African American and Latino legislators is depressed when bill sponsorship is the main explanatory variable. Grose (2011) argues that the primary reason for these findings is because scholars do not look beyond bill sponsorship and roll call voting activities.

A major part of our knowledge on race and substantive representation has developed from the analysis of roll call voting (Cameron, Epstein and O'Halloran 1996; Canon 1999; Hood and Morris 1998; Lublin 1997; Overby and Cosgrove 1996; Sharpe and Garand 2001; Swain 1993; Tate 2003; Whitby 1997). Notably, the literature which examines roll call votes almost exclusively finds that non-minority representatives are equally capable of representing minority interests as well as minority representatives (Cameron, Epstein and O'Halloran 1996; Lublin 1997; Swain 1993). The implications of these findings suggest that the mechanisms set forth to increase minority representation may therefore be irrelevant and the advancement of minorities in political institutions in essence hold no value for the creation of policies that represent minority constituents. Therefore, a more thorough understanding of the substantive impact of minority legislators must include a more encompassing examination of legislative activity (Minta 2011). Minta (2011) emphasizes that a legislator's ability to substantively represent minorities can take place at different points of the legislative process, prior to roll call votes. More recently, Grose (2011, 9) in his study of African American congressional representatives suggests that "if we want to enhance substantive representation for black constituents, and conceive of it as roll-call voting, then electing black legislators is not very important. However, if we want to enhance service and project delivery to black constituents, then descriptive representation in Congress is crucial". This dissertation argues that deliberation, defined as a decision making process that contains the following elements, including but not limited to, participants, information, and discussion (Bessette 1994), is an important component of representation, and while representatives' roll call

votes may be noteworthy, their participation and the words they speak are equally important (Canon 1999).

Deliberation

The deliberative aspects of the legislative process have been infrequently studied, yet its importance, especially for underrepresented groups, is conveyed by many political theorists. For instance, normative theory suggests that deliberative efforts can change debates, agendas, and even preferences (Barber 1984; Sunstein 1993; Young 1993). Moreover, “increasing the number of minority voices represented by racially, ethnically, or aesthetically distinct individuals-enriches the policymaking environment” (Mansbridge 1999). Williams (1998) suggests that deliberation is most effective when marginalized constituencies are a part of the discussion. In order for policy decisions to be representative of these constituencies and good policy to be made, a full range of perspectives are necessary for individuals to fully understand the range of implications on policy (Williams 1998). Similarly, Mansbridge (1999, 634) points out that, “a representative body should ideally include at least one representative who can speak for every group that might provide new information, perspectives, or ongoing insights relevant to understanding that leads to decision”.

Consequently, Mansbridge (1999) emphasizes that when descriptive representation occurs, horizontal communication between legislators improves. Other things equal, descriptive representatives are more likely than non-descriptive representatives to act as their descriptive constituents would like them to act when making or changing policy. Further she suggests that increases in the descriptive representation of minority voices can reduce the tendency to dismiss claims as

illegitimate or strange, and may buffer the effective use of institutional rules to advantage minorities. In fact, if “these minority voices originate from persons having a mutually interactive relationship with disadvantaged groups and from sharing a commitment to dispossessed subgroups within said groups, representation and democracy are advanced even further” (Dovi 2002). The consequence of deliberation is compelling but not irrefutable. This dissertation will provide evidence to evaluate the normative claim regarding substantive representation of minorities by descriptive representatives.

THEORETICAL FOUNDATIONS

Relevant Literature

I argue that minority differences in behavior are best understood in light of research highlighting the impact of women in the legislature and how their behavior differs from men. For instance, the idea that there is a strong connection between the gender of the representative and the type of representation women receive, in that the women legislators are the ones who speak for women and women interests in state legislators (Thomas 1991) in comparison to men legislators. For example, Walsh (2002) examines floor debates of five pieces of salient legislation, two of which specifically deal with children, motherhood, and families. She finds that “women more often than men mention the affect of legislation on underrepresented constituencies, and they bring to the floor firsthand experience of the difficulties that mothers face” (Walsh 2002).

The literature on women and representation has evolved from findings which suggest that women state legislators were more likely to participate less with regard to bargaining, meeting with lobbyists and speaking in committees and on the floor than their

male counterparts (Diamond 1977; Kirkpatrick 1974) to a more recent dynamic where women are found to participate in legislative activities at levels nearly equal to men (Thomas and Welch 1991; Flammang 1985) and take the lead on legislation dealing with women, children, and family issues (Gelhlen 1977; Saint Germain 1989; Reingold 1990; Thomas 1991; Thomas and Welch 1991). Each analysis provides incredible insight into the role gender differences play in representation, with most scholars now in agreement that the inclusion of women, their presence (descriptive representation) in political decision-making is an essential condition for women's substantive representation to be achieved (Phillips 1995, Young 2002) because of their ability to enhance the quality of deliberations. Their presence is believed to "improve the quality of communication and aid the articulation of previously uncrystallised interests" (Mansbridge 1999).

In the same way, this dissertation will approach the question of representation not by comparing women and men legislators but by comparing minority and non-minority legislators. Importantly, I implicitly make the assumption that racial identity is of higher importance than other important social identities, like gender, class, and sexual orientation (see Young 2000). Thus, the foundation set forth in the literature on women and representation provides a foundation and context for this dissertation, as well as a preliminary point for building a framework that can be used to better understand the legislative behavior of African Americans and Latinos.

Race and Deliberation: An Assessment

Studies on the role of race in legislative deliberation are found lacking in the literature. Three studies are worth noting. While Canon's (1999) congressional research

on African Americans in congress finds that they, like women, contribute to deliberation differently, Katrina Gamble's (2007) study is the only systematic research on race and deliberation at the committee level. Each study, however, has its limitations.

Canon's (1999) study examines African American deliberation with regard to floor speeches and finds some evidence that they indeed contribute to deliberation differently from their white counterparts. He finds that over 50.9% of the speeches given by African American representatives involve race in comparison to 11.8% of the speeches given by their white peers. However, I would argue that floor speeches are not the ideal measure for an investigation on deliberation and will discuss this further in another section.

While Canons (1999) work on floor speeches is one of the few works that provides insight on race and the deliberation process, it can be argued that "focusing on floor debate is simplistic, contending instead that the most important deliberation occurs earlier in the process" (Quirk 1993). Quirk (1993) contends that "floor debate is too late and too short for responsible deliberation". I would also argue that too much of the process is missed when focusing solely on floor debates, hence why this project will take a few steps back and examine participation because it is a necessary prerequisite for deliberation and the deliberation that occurs during committee hearings.

Gamble (2007) examines African Americans and the deliberative process at the congressional level and focuses on congressional committees, which provides significant opportunities for deliberation. She finds that African American legislators were more likely to speak to the concerns of marginalized groups in comparison to their White counterparts; however her results were statistically insignificant.

More recently Minta (2011) examines the amount of time spent by minority legislators deliberating in congressional oversight committee hearings which focus on minority civil rights policies. While he finds evidence that Black and Latino legislators are more likely to intervene during the hearings, it is limited to oversight hearings on civil rights legislation at the congressional level.

Each of these studies have influenced the direction of this dissertation in a considerable way, however, these findings suggest that there are substantial opportunities for exploration in the area. For example, Minta (2011) and Gamble (2007) are limited with regard to committee variation, with Minta (2011) examining one committee and Gamble (2007) examining three. Also, Gamble's (2007) work had no explanation as to why African Americans were participating on non-minority interest legislation at higher rates. A solid in depth analysis will give insight into this underserved area in the literature. The question is whether additional focus on committees is worthwhile.

Bessette (1994) points out that committee hearings provide unmatched opportunities for "detailed and extensive policy deliberation," which include the opportunity for witness testimony and cross-examination, while also providing the opportunity to summarize and assess critically pertinent reports and other types of information (see also Muir 1982). One primary reason little has been done with regard to this type of analysis is due to the time consuming nature of collecting this type of data and the ease of accessibility with regard to obtaining committee hearing transcripts, especially at the state level.

PARTICIPATION AND COMMITTEE DELIBERATION

Our knowledge of how minority representatives affect the policy making process is a result of the limited research on committees. In committees “a process of group discussion in committees helps to increase information levels, identify erroneous reasoning, cool passions, and otherwise make it less likely that lawmakers will make flawed assessments of the merits of a piece of legislation before taking action on it” (Bessette 1994). Legislation is often shaped within committees and subcommittees well before coming to the floor for a final vote, and subsequently this is where most of the language of the bill is developed (Gamble 2007). Committees have many responsibilities in the process as they collect information through hearings and are responsible for mass distribution of information through committee reports (Gamble 2007). According to Bessette (1994) committees are seen as the main deliberative arenas.

In a seminal study on state legislative committees, Francis (1989) points out that while committees are not always seen as the only focal point in the state legislative process they are perceived as significant in most state legislatures. He finds that in eighty one of the ninety nine state legislative chambers committees were considered crucial in the decision making process relative to party and leadership (Francis 1989). More importantly, he finds that in twenty five of thirty six chambers, regular committee meetings were consistently selected as an important place for significant decision making activity. Moreover, Hamm and Hedlund (1994) state that “while there are some differences in terms of state, chamber, and session, overall, committees are more highly ranked than leadership, the governor’s office, the chamber floor, pre-legislative sessions, or party caucuses”. In general, legislative committees at the state level are essential for

decision making on the content of bills and are significant in the policy making process at the state level.

The research to date on minorities with regard to participation and deliberation has examined Congress (Gamble 2007; Canon 1991). “A major distinction between congress and state legislatures is that in Congress almost no bills become law” (Stewart 2001). Stewart (2001) finds that total enactments of legislation in most state legislatures are consistently greater than enactments in Congress. For instance, the median number of enactments in state legislatures is over 70 percent higher than in Congress. I argue that proposing legislation that has an increased opportunity to become law offers my research a different dynamic because of the increased potential for legislator impact, in comparison to Congress where legislators have little to show for his or her efforts.

Proposed Research

Despite the fact that there have been substantial increases in minority state legislators, little is known about what roles they play in their legislatures and what benefits they provide their constituents. Most of the literature has centered on the electoral process (Guinier 1991), mainly at the congressional level. Most state legislators have considerably more control over their representational role than a congressman because it has not yet reached the complex level of institutionalization as congress (Jewell 1982). State legislators are much closer to their constituents because reside among them most of the time which allows expanded opportunities for direct contact (Jewell 1982). Arguably, these state level dynamics allow this study to broaden our understanding of legislator behavior.

Additionally, state governments play a considerable role in the policy process with regard to areas specifically related to minority constituencies such as education, health care and criminal justice. This study will provide an examination of the deliberation process which will provide a firsthand account of how minority legislators substantively represent minority interests and how they compare with their non-minority colleagues. Pinpointing policy interests' specific to racial minorities is a challenge and a debate in the minority politics literature. The debate ensues because determining policy interests for African Americans and Latinos is a complex issue. Scholars determine that these interests are determined via subjective and/or objective measures, with subjective evaluations being less reliable because they are based on feelings and emotions of minority groups. Yet, most social scientists look to subjective measures like public opinion polls and surveys to identify these policy interests (Haynie 2001). However, while the methods for determining the interests may differ either through survey results or objective measures like socioeconomic indicators, the outcomes tend to yield similar results and the minority policy areas remain fairly consistent in the scholarly literature.

This dissertation will focus on policy areas that have historically been perceived as minority interests areas such as education, immigration, bilingual education, health, social welfare, civil rights and employment opportunity issues (Sanchez 2006, Haynie 2001), but when examining deliberation I will determine specific minority interest bills using a systematic approach. It employs an original data generating process which allows for analysis of not just one racial minority - albeit quite common in the minority politics literature which primarily examines African Americans – but will include both African Americans and Latinos. This dissertation, therefore, will align with many scholars of

minority politics who suggest that Latinos and African Americans share similar shared experiences in the United States, in that they both are economically disadvantaged to whites, both experience considerable discrimination in housing, education and employment, and both support enlarging the social welfare state (Kaufmann 2003).

PLAN OF THE DISSERTATION

In order to address the research questions previously mentioned and to expand the scope of the narrow body of work that examines deliberation (Canon 1999; Gamble 2005; 2007), in chapter two I provide a brief description of the Texas legislature and its importance to this project. In chapter three, I perform an analysis of minority legislator attendance and participation² rates on minority interest and non-minority interest bills. In chapter four, I perform a case study of the Texas school finance legislation during the 2006 legislative session, which takes a closer look at the concepts of descriptive and substantive representation within the confines of participation and deliberation. In chapter five, I specifically outline the operationalization and coding techniques used to analyze the data. In chapter six, I perform content analysis of minority representatives' language on minority interest bills for racial perspectives during state legislative committee hearings using the techniques outlined in the case study. Chapter seven concludes with major findings and themes, important policy implications, as well as laying the groundwork for future research.

² Participation is operationalized as member's activity during formal committee hearings which includes, attendance, speaking, voting participation, offering amendments, role in authorship of bill or amendment. (closely modeled to Hall 1987)

CHAPTER 2:

CONTEXT FOR THE STUDY OF SUBSTANTIVE MINORITY REPRESENTATION:

THE TEXAS LEGISLATURE

In order to address the research questions previously mentioned and to expand the scope of the narrow body of work that examines deliberation (Canon 1999; Gamble 2005; 2007), I will perform an analysis of minority legislator participation³ rates on bills. In addition, I will perform content analysis of minority representatives' language on bills for racial perspectives during state legislative committee hearings. While a considerable amount of literature on representation has been conducted at the congressional level, each of these methods will make an empirical and theoretical contribution to the literature on our understanding of minority representational behavior because it will provide an in depth, multiple contexts and multiple session analysis at the state level which has yet to be explored. While a comparative study across states in this area is preferable, with the labor intensive data collection nature of this project I will focus on a one state analysis at this time. However, I will examine two racial minorities (African Americans and Latinos), multiple committees, and three legislative sessions in comparison to Gamble's (2007) congressional research which examines one legislative session, one racial group and one committee. Below I will provide some insight into why I chose to include specific areas in the dissertation.

In order to address the research questions proposed the state legislature that is examined must meet certain criteria. These criteria include a legislature with a large

³ Participation is operationalized as member's activity during formal committee hearings which includes, attendance, speaking, voting participation, offering amendments, role in authorship of bill or amendment. (closely modeled to Hall 1987)

African American and Latino population, a significant amount of minority representatives present in the legislature over time, and a state legislature with a relatively robust committee system. After careful analysis, two possibilities arise, Texas and California. However, California has some drawbacks in which I will explain. First, in terms of legislative structure, California is similar to the U.S. Congress, and this project aims to examine state legislatures because of the distinct differences it has in relation to congress. Second, California has term limits which have not always been in place, which is a major institutional impact that will undoubtedly affect the empirical analysis. Numerous scholars have found that term limits impact legislative behavior during the policy process. For instance, Kousser (2005) finds that term limits reduce incentives for policy specialization and minimize policy innovation. Finally, California's legislature is small with 40 senators and 80 legislators, leaving fewer opportunities for investigation. Therefore, the choice for this analysis is Texas.

KEY CHARACTERISTICS OF THE TEXAS SYSTEM

Minority Population and Texas Demographics

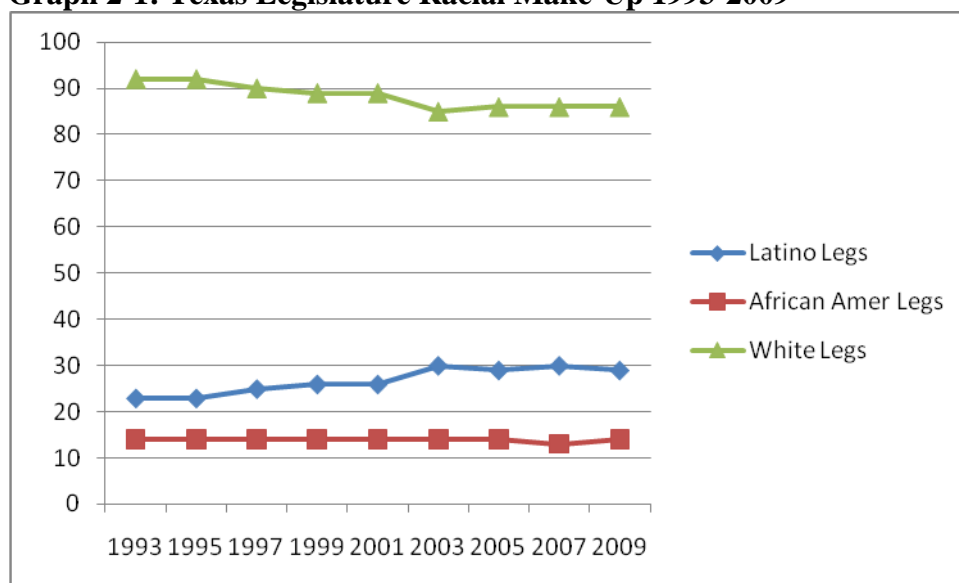
As the 2010 Census shows the U.S. minority population increased dramatically. The Latino population grew by 43 percent, rising from 35.3 million to 50.5 million, and now comprises roughly 16 percent of the U.S. population (Census 2010). The African American population grew from 34.7 million in 2000 to 38.9 million in 2010; however, they experienced very little growth in relation to their percentage of the total population, moving from 12 to 13 percent (Census 2010). The White population rose from 211.5 million in 2000 to 223.6 million in 2010, however they were the only group to experience

a decrease in their relative percentage to the population, falling from 75 percent in 2000 to 72 percent in 2010 (Census 2010).

Texas' population is diverse and in many ways a microcosm of the U.S. population at large. As of the 2010 Census, Texas ranked second in the nation in terms of total population. The key fact, however, is that Texas is now a majority minority state, where over 50% of the population is now minority. This dramatic increase in its minority population is due to the exploding Hispanic population, which now comprises 38 percent of the population in 2010 compared with only 18.6 percent in 2000 (Census 2010).

While the state population overall has become majority minority, the composition of the state legislature has remained more stable. In Texas from 1993-2009, African Americans have been represented by 13-14 state legislators, while the Latino legislator membership has seen more of a gradual increase from 23 in 1993 to 30 in 2007 and down to 29 in 2009 (see graph 2-1). However, while Latino representatives are roughly double that of African Americans, they are still underrepresented relative to the Latino population. This is important because arguably Latino representatives would more likely advocate on behalf of Latino constituents impacting state public policy.

Graph 2-1: Texas Legislature Racial Make-Up 1993-2009



Texas Politics

Current Texas politics is definitely impacted by the Texas Constitution of 1876 which was a document written to limit the powers of state government, particularly those of the governor by making many of the positions that make executive level decisions be elected by the populace (Tannahill 2009). Interestingly, many of the main components of the Texas Constitution of 1876 have remained the same, for instance, the legislature still meets biennially. While the compensation for legislators has definitely increased from its 1876 rate of \$3 a day, it currently remains at levels amended in the 1975 Constitution of \$7,200 a year (Luttbeg and Tucker 2009). An argument could be made that this design was appropriate during the time the constitution was drafted because it adequately served its purpose which was to limit government and save money for an economically struggling state. However, the demographics and demands of Texas have changed considerably and the components of the constitution have not adapted to these changes. Inadvertently, because deliberation time is short due to the biennial session but massive

policy demands increase due to the growing population, a system has developed in which legislative leaders, i.e. the speaker of the house and the lieutenant governor, have garnered a significant amount of power (Tucker 2008).

Texas Legislature - Basic Structure

The subsequent sections of this chapter are simply to provide background and contextual information on the Texas legislature. The legislative body is comprised of 150 House Representatives and 31 Senate members, elected via single member districts. The Senate members are elected in staggered terms every four years. Each senator must be at least a five year resident of Texas, a registered voter, and twenty six years of age or older. The House members are elected to two year terms with no term limits and must be a two year resident (a one year resident of the district he or she is representing), at least 21 years old, and a registered voter. Texas is one of seven states that meet biennially (every two years) for a 140 day session, at which time it elects a Speaker of the House who is deemed the legislature's presiding officer and the Lieutenant Governor who acts as the Senate's presiding officer (Texas legislature online 2012). The governor, however, can call special sessions that can last up to 30 days, which is occurring more often due to the constraints of the biennial session and the rapidly growing demands of the Texas population (Texas legislature online 2012).

Committees System Organization

The area in which this dissertation focuses is the committee system. Notably, the committee system in Texas is very powerful and continues to remain a crucial component

of the Texas legislature landscape. The senate on average has fifteen standing committees, while the House has forty two - with subcommittees forming when necessary. The committee chairs are appointed by the lieutenant governor and the speaker of the House. The committee chairs have significant power in the Texas legislature because of their agenda setting power and ability to not allow bills to reach committee for a hearing.

Prior to the overwhelming Republican gains in 2002, the Texas legislature was fairly bipartisan in nature with Democratic leaders appointing Republicans to chair key committees. However, since 2002, Republicans have been the majority party in the Texas house and the majority in the Senate since 1996 and this tradition has not continued to the same extent. But minority party members do chair key committees. The Democrats do maintain considerable strength due to the grassroots strength of the party, the political caucus cohesion (i.e. Latino and African American caucus) for important legislation, and prior to the supermajority of Republicans in 2011 - the informal power sharing agreement with Republican House speaker Joe Straus (Jones 2011; Hamm and Moncrief 2012). Importantly, Texas committee assignments are not simply allocated based on the preferences of the party in power as in some states (Squire and Hamm 2005), but seniority is factored in as well. The Texas House rules require “a maximum of one-half of the membership on each standing committee, exclusive of the chair and vice-chair shall be determined by seniority” (Rules of the Texas House 2012, 39). This rule applies to standing substantive committees⁴ and seniority is defined as cumulative years of service

⁴ “Seniority shall not apply to a procedural committee. For purposes of these rules, the procedural committees are the Committee on Calendars, the Committee on Local and Consent Calendars, the Committee on Rules and Resolutions, the General Investigating and Ethics Committee, the Committee

in the House of Representatives. Therefore, the committees in Texas, especially power committees, have some balance with regard to party affiliation and race because of the seniority rule, which provides a diverse environment for deliberation.

Committee System Importance

Four institutional and contextual features make Texas a good choice for examining legislator's verbal interactions in committee hearings. First, the Texas legislature is more professionalized than most states (ranking 20 out of 50), which makes attaining legislative seats worthwhile (Squire 1992). Second, it has a significant amount of minority representatives, ranking 16th among the 50 states for number of African American legislators and 2nd for number of Latino legislators (National Conference of State Legislatures 2012). Third, the regular committee meetings in the Texas House of Representatives are considered of uniformly high importance for key decision making activity (Francis 1989). Fourth, committee power and effectiveness is considered high based on the index created by Rosenthal (1974) which identified and analyzed four dimensions of committee system effectiveness in all 50 states which included 1) the extent to which committees receive legislation, 2) the extent to which committees control the screening of legislation, 3) the extent to which committees shape the nature of legislation, and 4) the extent to which committees affect the passage of legislation. In addition, committee size also plays a role, where eleven is the optimal size of committee membership in large chambers and seven in small chambers in order to prevent difficult deliberation and decision making (Francis 1989). Texas is found to be ranked high among

on House Administration, and the Committee on Redistricting. The entire membership of these committees shall be appointed by the speaker" (Texas House Rules 2012, 39)

the states with regard to committee power based on these four dimensions and on average has eleven members per committee with the exception of Appropriations which has considerably more responsibilities than other committees.

The Role of Texas Committees in the Legislative Process

The committee system in Texas is found to have significant decision making power because it is a critical stage in the legislative process. Namely, the Texas Constitution mandates that all legislation must pass through both Houses of the legislature before it can be enacted into law, a premise in the literature on committees which defines levels of committee power (Francis, 1970; Keefe and Ogul 1977; Hamm 1980). It is in committee where legislation is closely examined before it proceeds to the next step in the legislative process. For example, in the 2009 legislative session, 4976 House bill and joint resolutions were introduced and only 2,199 or 44% were reported favorably from House committees⁵ (HRO 2011). In the Texas legislature, a significant amount of bills die before ever making it out of committee which makes it a considerable decision making point during the process. For the sake of providing institutional context in the following paragraph I will briefly describe how the committee system in Texas works.

Once more, the Texas committee system is one that holds considerable power because it is a prime gate keeping mechanism in that all legislation must pass through committee before consideration at other legislative levels, and committees are not required to consider every piece of legislation referred to them. Therefore if the

⁵ Based on information from the Texas House Research Organization (HRO) in the House Committee Procedures: 82nd Legislature Focus Report, February 2011

committee decides not to act on legislation, it will not pass through to the next stage of the legislative process. Committees may leave legislation pending or refer it to a subcommittee but work on any piece of legislation is not considered final until it is reported favorably or unfavorably by the committee. The flow diagram below shows the process of legislation once the speaker has referred it to a particular committee.

Diagram 1: Process of Legislation



Simply, it goes to the chair, then the committee staff where an analysis of the bill is distributed to all committee members and an action is decided. If the committee decides to hear the legislation then a committee hearing is scheduled where action may be taken on the bill. If a quorum is present, then final action is recorded (i.e. reported favorably or unfavorably).

SUMMARY

Overall, an analysis of Texas provides a comprehensive contribution on the topic of deliberation and participation because it is one of a few states with sizable African American as well as Latino legislators, and it is ranked high among the states with regard to decision making power within committees (Francis 1989). I examine the house rather

than the senate because state houses tend to provide more opportunities for minority representation due to the sheer size and the electoral system of single member districts in comparison to state senate's which tend to have fewer seats and require larger percentages of minority populations to elect minority legislators (Groffman and Handley 1989). I contend that these dynamics will provide some insight and context into when and under what circumstances minority legislators are most likely to offer a distinctive voice and perspective.

CHAPTER 3:

SHOWING UP AND SHOWING OUT? AN INVESTIGATION OF MINORITY LEGISLATORS PARTICIPATION ON MAJOR LEGISLATION IN THE TEXAS HOUSE

In order to examine minority legislator behavior during the deliberative phase, in this chapter I will first examine their participation on key legislation at the committee level to determine if in fact they are even a part of the process for deliberation to occur. An empirical analysis of deliberative efforts of minority representatives at the state committee level is necessary and long overdue; below I will briefly detail the significance of studying deliberation at the committee level.

COMMITTEES

In order to examine the impact of race on substantive representation, I will examine committees. Legislative scholars have recognized committees as critical to representation and find that substantive representation may be more visible at the committee level, mainly because this is where deliberation usually occurs and where legislators typically talk and share information before reaching decisions by voting (Mathis 2011). While some scholars argue that key decisions occur not in state committees but on the legislative floor (Van der Slik 1977; Canon 1999), many important legislative decisions are made at the committee level. Indeed, committee hearings are seen as the main deliberative arenas and provide unparalleled opportunities for "detailed and extensive policy deliberation," (Bessette 1994). Usually, committees shape and develop the language of legislation well before coming to the floor for a final vote (Gamble 2007). In

particular, state legislative committees are essential for decision making on the content of bills and are significant in the policy making process at the state level because of their control of substantive content, agenda setting and gate keeping role in the legislature (Haynie 2001). “While there are some differences in terms of state, chamber, and session, overall, committees are more highly ranked than leadership, the governor’s office, the chamber floor, pre-legislative sessions, or party caucuses” (Hamm and Hedlund 1994). With the increasing numbers of minority legislators and the significant increases in the minority population, examining the behavior of minority legislators at the committee level is crucial in our understanding of deliberation and substantive representation. And while the importance of committee activity is duly noted in the literature (Fenno 1973; Hamm 1980; Hall 1996), investigation at the state level remains understudied, with most of the work concentrated at the congressional level.

In addition to expanding the research beyond African Americans to include Latinos, examining state legislative committees provides unparalleled research opportunities given the sheer numbers of both African American and Latino legislators as the potential policy impact of these minorities. For instance, “a major distinction between congress and state legislatures is that in Congress almost no bills become law” (Stewart 2001), whereas total enactments of legislation in most state legislatures are consistently greater than in Congress (Stewart 2001). Significantly, Stewart (2001) finds that the median number of enactments in state legislatures is over 70 percent higher than in Congress. I argue that examining an institution where the legislation proposed has an increased opportunity to become law offers a different dynamic to the consequence of race as well as other

pertinent factors because of the increased potential for legislator impact, in comparison to Congress where legislators have little to show for his or her efforts.

PARTICIPATION

Hall (1996) argues that “the assembly makes possible a deliberation in which conflicting judgments about the public good, or even the efficient promotion of narrow interests, can be examined, debated, and resolved. And through such a process the actions of government achieve legitimacy.” However, representatives make difficult choices on how much of their time, effort, and resources they can commit to a policy issue (Hall 1987). Therefore, examining participation not only aids to our understanding of legislator preferences, they also further our understanding of legislator preference intensity. Due to the fact that legislators have countless demands on their time and resources - from constituent services, committee work, and other work commitments – their dedication in attending committee hearings, providing amendments, and voting on legislation exemplifies an intensity of preferences regarding certain legislation (Hall 1996). For example, Hall (1996) points out, “the quality of representation can be understood through choice intensity as it is defined by how strongly legislators deliberate and advocate for certain policy interests, comparatively or better than their voting record can”. This distinction is particularly relevant because preferences and preference intensity provides a more complete view of the contribution of minority legislators, thereby a better understanding of their substantive role in the legislative process. Thus, while structural and personal characteristics of a legislator (e.g., party affiliation, leadership position, terms in office, policy goals, constituency concerns, desire to make good policy, expertise

or interest in a particular bill, and gender) have been considered important determinants of participation in committee hearings (Hall 1987, Kathlene 1994), the effect of a committee member's race has been largely overlooked.

If normative theorists are correct in asserting that that descriptive representation results in legislators voicing the concerns of marginalized groups in the public policymaking process as it relates to minority interest issues (Mansbridge 1999; Williams 1998; Young 2000), we should be able to confirm this assertion by studying the level of participation by minority representatives. Specifically, participation determines if minorities have more of a preference than white legislators on certain legislation, and tells us how much they engage in committee deliberations. It is a scale of member's activity during formal committee hearings which includes attendance, speaking, offering amendments, and agenda setting. Thus it is important to examine representative participation in committee hearings as they may indeed affect the legislative agenda in ways that directly affect outcomes. Taking this into consideration, the following hypotheses are generated from an adaptation⁶ of Hall's (1996) participation variable:

H1: Minorities will participate more on minority interest bills than on non-minority interest bills, holding all things constant.

H2: Minority representatives will participate at higher rates on minority interest bills than will non-minority representatives, holding all things constant.

H3: Minority representatives will participate more on non-minority interest bills than their non-minority representatives, holding all things constant.

The logic supporting these hypotheses follows. I argue that participation of African American and Latino legislators on minority interest bills is a result of linked fate and

⁶ Hall's (1987) participation variable includes voting and distinguishes between minor and major speaking participant, this paper does not.

racial group consciousness. Scholars have found that both African American and Latinos possess racial group consciousness and ideas of linked which center on the belief that what affects the group also affects the individual regardless of socioeconomic status (Garcia Bedolla 2009; Minta 2011; Grose 2011). Indeed, if minorities enter into the legislative arena acting in the same way as their nonminority counterparts, then they are merely descriptive representatives. However, if in fact they provide a distinctive voice for the minority populations, substantive representation is occurring, moreover surrogate representation. Surrogate representation is a concept that has been used in the literature on women and politics, African American politics, American legislative politics, and normative theory (Mansbridge 2011; Gamble 2007; Urbinati and Warren 2008). Surrogate representation “expands the normative and empirical study of representation beyond the relationship of constituents with their elected representatives to the entire representative system” (Mansbridge 2011). For instance, Haynie (2001) suggests that while the priorities of political actions of state legislators should first be governed by a desire to represent their district, African American legislators tend to take on the additional obligation to pursue racial group representation.

Similarly, I would argue Latino legislators also take on this additional obligation. Fraga et al. (2003) suggests that Latino representatives also feel a sense of obligation to the broader Latino community that extends beyond their districts due to similar shared experiences. These actions are a result of the idea that because of the shared culture and often similar experiences among the group (i.e. exclusion from the political process and discrimination), there is a sense of obligation to the broader African American and Latino community because of the “recognition that individual life chances are inextricably tied

to the race as a whole” (Simien 2005), also known as the concept of linked fate (Dawson 1994; Mansbridge 1999; Tate 2003).

In addition, my expectation that minority representatives will participate more on non-minority interest bills than their non-minority counterparts is based on the idea that minority representatives tend to look at all bills in a way that may impact minority constituents. Similar, to the theoretical positions in the women and politics literature which suggests that women would cast a critical eye toward all legislation, making judgments on how its purposes would indirectly affect segments of overlooked constituencies (Thomas 1994). Gamble (2007) also finds in her analysis of participation in Congress that African Americans participated more on non-minority interest legislation in comparison to minority interest legislation. In subsequent chapters I account for whether or not there is more minority interest language used by minority legislators in comparison to non-minority legislators on non-minority interest bills. This chapter is the prerequisite for that analysis in that I will first determine whether or not there is a significant difference regarding race and participation on non-minority interest bills.

RESEARCH DESIGN

Ideally, a study of minority participation will take place across states, however, due to the laborious nature of the data gathering process for this project rather than choosing a state that has typical state characteristics, it was important to choose a state with a significant minority population and minority representatives. The Texas legislature, while not typical, provides a great opportunity for analysis because of the recent history of competitive party politics and significant minority population. It is also

reflective of a shifting U.S. population, in that Texas is now a majority minority state, where the minority population is now greater than the non-minority population.

As mentioned in chapter two, an analysis of Texas provides a comprehensive contribution on this topic because it is one of a few states with sizable African American as well as Latino legislators, and it is ranked high among the states with regard to decision making power within committees (Francis 1989). I examine the house rather than the senate because state houses tend to provide more opportunities for minority representation due to the sheer size and the electoral system of single member districts in comparison to state senate's which tend to have fewer seats and require larger percentages of minority populations to elect minority legislators (Groffman and Handley 1989). I contend that these dynamics will provide some insight and context into when and under what circumstances minority legislators are most likely to offer a distinctive voice and perspective.

Legislative Sessions Selected

I examine minority policy interests in the Texas State House of Representatives for the 78th (2003), 80th (2007) and 81st (2009) legislative sessions. These sessions were chosen because they offered significant percentages of Latino and African American legislators which allowed for variance in the number of minority legislators on key committees, many of which serve jurisdictions that may impact significant levels of African American and Latino populations. I examine participation activity of individual legislators across multiple committees.

Bills Sampled

I sampled bills that had passed through committee⁷ and all were identified as major legislation during each of the legislative sessions based on information from the Texas House Research Organization (HRO)⁸. Some of these bills had been approved and some had not. Information based on these bills during these legislative sessions provides rich opportunities to examine the impact of race on representation.

Each bill was content coded for minority interest or non-minority interest. The minority interest bills were further subdivided into African American, Latino, and/or general minority interest. The bills designated as African American and/or Latino interest explicitly mentioned African Americans and/or Latinos in the title, description, or in the House Research Organization detailed analysis on the legislation⁹. General minority interest bills were bills with issues that disproportionally affect minority groups, but may not explicitly mention a particular group.

I analyze a total of 167 bills; 40 minority interest bills and 127 non-minority interest bills. There are a total of 104 enrolled (i.e. passed) bills and 62 non-enrolled bills (see table 3-1). For details regarding bills analyzed in the dataset see Appendix A, which includes each individual bill description, committee, and enrollment status.

⁷ Bills that died in committee, never received a hearing, or no action was taken on a proposed motion or amendment were excluded from the dataset.

⁸ Based on information from the Texas House Research Organization (HRO) – The House Research Organization (HRO) is a nonpartisan independent department of the Texas House of Representatives. It provides impartial information on legislation and issues before the Texas Legislature. This is similar to Walsh's (2002) design which examines deliberative contributions among women on major legislation related and non-related to women issues.

⁹ Each bill analysis consists of a digest of the bill's provisions, background, arguments for and against the bill, and additional pertinent information.

Table 3-1: Descriptive Statistics on Bill Observations

Legislative Session	Total Bills	Minority Interest Bills	Non-Minority Interest Bills	Enrolled	Non-Enrolled
78 th	46	10	36	31	15
80th	49	14	35	31	17
81st	72	16	56	42	30
Total	167	40	127	104	62

Dependent Variable

The unit of analysis in the model is the individual legislator and the dependant variable is the participation score of each committee member on the bill being considered. Participation is coded based on Hall's (1987) operationalization of participation which is a scale of member's activity during formal committee hearings which includes, attendance, speaking, offering amendment(s), and agenda setting¹⁰. It is a 4 point scale ranging from 0 to 4, where 0 is non participation, 1 is attending the committee hearing, 2 is speaking during the hearing, 3 is offering an amendment, and 4 is significant agenda setting. Legislators participation score is equivalent to each of the categories added together, with the highest possible score of 10 (see Table 3-2). The data for the participation variable was collected from the recorded and published committee

¹⁰ Agenda setting is equivalent to offering a committee substitute that passed. I will not code informal participation as Hall (1987) does as part of his coding category, because as Gamble (2007) finds that this category is unreliable based on the fact the interviewees and staff must recall information that happened years prior, lending to unreliable measures.

hearing minutes. These reports include information showing the time and place of the meeting, the date of the posting of the meeting, a roll call of the members present, recorded votes, actions taken, and lists of witnesses.

Table 3-2: Committee Participation Scale

<u>Score</u>	<u>Committee Activity</u>
0	No involvement
1	Attended Committee Hearing
2	Spoke during committee hearing
3	Offered Amendment
4	Engaged in Agenda Action

Sources: Hall (1987, 1996) and Gamble (2005, 2007)

Key Independent Variables

My key independent variables include minority which is a dummy variable for the race of the representative (Bratton and Haynie 1999) where 0 is White and 1 is African American and Latino legislators. Minority interest bill is a dummy variable where 0 is non-minority interest and 1 is minority interest bill, however, in many parts of the analysis separate models exist for minority interest and non-minority interest bills.

Control Variables

I control for a number of variables that have been demonstrated to affect substantive representation beyond those listed in the hypotheses (See Table 3-3). These include: Democrat coded as a dummy variable where 0 is republican and 1 is democrat; female coded 0 and 1, male and female respectively; bill author, coded as a dummy variable 0 (not the bill author) and 1 (bill author). Since scholars have found that senior members are more likely to participate actively in committee deliberations (Cook 1986;

Squire 1988; Hibbing 1991, 1993), I include seniority which is coded as a dummy variable where 0 represents a legislator in their first term and 1 represents legislators who have served terms in office greater than 1. Because the literature finds that when minority representatives hold positions of power over specific policy areas minority group influence over that specific policy increases (Preuhs 2006), I have included a political incorporation variable, coded as 0 (member), 1 (vice chair) and 2 (chair). District characteristics as it plays an important role in legislative behavior (e.g. black/Latino district population percent, family income, urban/rural percent, foreign born percent) (Rouse 2008) (see table 1-3). Specifically, Latino and African American populations within a district have shown legislators more responsive to their interests (Canon 1999; Haynie 2001; Fraga et al 2003).

Table 3-3: Operationalization of Key Descriptive Concepts

Concept	Indicator	Hypothesized Relationship on Minority Interest Bills
Minorities	# of African American and Latino State Legislators	+
Party	Democrat	+
Gender	Female	+
Bill Author	Bill author	+
Seniority	Terms in office	+
Political Incorporation	Committee Vice Chair or Chair	+
District Characteristics	% Urban	+
	% African American and Latino	+
	Foreign Born %	+
	Income Below \$10,000	+

RESULTS

In order to interpret the effect of race on participation I use an ordered logit model. I use an ordered logit because my dependent variable participation is considered to have more than two categories and the values of each category have a meaningful sequential order where a value is indeed ‘higher’ than the previous one. However, before analyzing the results of the ordered logit, I would simply like to examine the mean differences between the minorities and non-minorities on different bill types.

Using a difference of means test, the results (see Table 3-4 and Graph 3-1 below) show a statistically significant relationship between minorities and non-minorities on participation of minority interest and non-minority interest bills. Specifically, non minorities have higher participation means on all bills in general; 1.83 mean participation score on minority interest bills in comparison to 1.51 for minority legislators. Non minorities have higher participation means on non-minority interest bills at 1.71, in comparison to minorities at 1.44. These findings do not support my hypotheses (Hypothesis 2 and 3) that *Minorities will participate more on minority interest and non-minority interest bills in comparison to their non-minority counterparts*, they are in fact opposite. The difference of means test does however support Hypothesis 1 which states that *Minorities will participate more on minority interest bills than on non-minority interest bills, with participation means of 1.51 to 1.44 respectively* – however not statistically significant from each other. While further analysis is needed to uncover the reason for the low participation means of minorities, they do participate more on minority

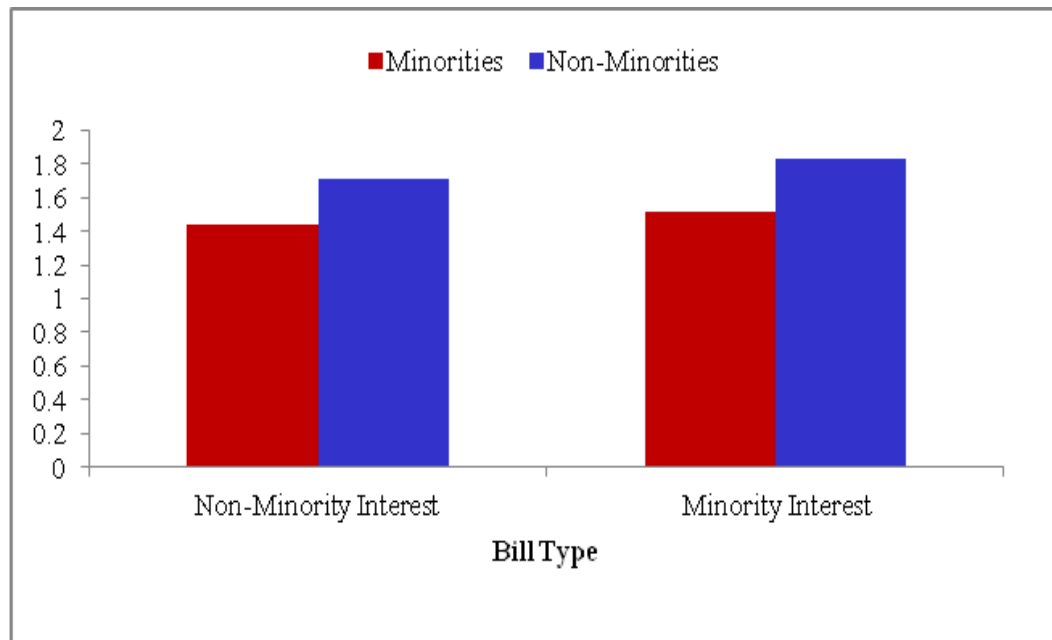
interest bills in comparison to non-minority interest bills which is in line with my original hypothesis.

Table 3-4: Participation Mean Comparisons by Bill Type and Race

	Participation on All Bills	Participation on Non-Minority Interest Bills	Participation on Minority Interest Bills
Minorities	1.46*** (.068)	1.44*** (.081)	1.51 * (.131)
Non-Minorities	1.74 *** (.051)	1.71 *** (.058)	1.83* (.109)
# of observations	1721	1311	410

Significant at P<.01***, P -value <.05**, P-value <.10* (Standard errors in Parenthesis)
 Minorities = African Americans and Latinos (No significant difference between the two groups).

Graph 3-1: Participation Mean Comparisons by Bill Type and Race



The results of the ordered logit¹¹ (see below in Table 3-5), provides estimates for the dependent variable, participation, on minority interest bills and non-minority interest bills. The analysis is based on 1596 observations. Consequently, the ordered log odds estimate shown is for a one unit increase in the independent variables' score on the expected participation level given the other variables are held constant in the model. Therefore, the odds of minority legislators participating at higher levels in comparison to non-minority legislators on minority interest bills increases by .361, while the other variables in the model are held constant. In contrast, the odds of minority legislators participating at higher levels in comparison to non-minority legislators on non-minority interest bills decreases by .345, while the other variables in the model are held constant. However, neither result is statistically significant. The explanatory variables that are statistically significant for both minority interest bills and non-minority interest bills include bill authorship, income and seniority. Both bill authorship and seniority show a positive relationship with higher committee participation levels, in line with the expected direction. While the district characteristic income, is negatively associated with participation on minority interest bill, contrary to the expected direction.

The analysis indicates that legislators who author the bill and are more tenured participate more on minority interest bills. While minorities participate more on minority interest policies than their white colleagues, the results are not statistically significant. I also find, consistent with previous research, that incorporation (committee leadership) has a major impact on participation rates of representatives.

¹¹ I conducted multiple models (negative binomial regression, zero inflated, and a poisson model) that produced the same results regarding significance and coefficient direction as the ordered logit.

Table 3-5
Ordered Logit Analysis of Committee Participation in the Texas House
(78th, 80th and 81st Legislative Sessions)

<i>Independent Variables</i>	<i>Non-Minority Interest Bills</i>	<i>Minority Interest Bills</i>
Minorities	-0.345 (.277)	0.361 (.479)
Incorporation	0.455*** (.091)	0.669*** (.151)
Female	-0.181 (.179)	-.011 (.308)
Democrat	-0.131 (.232)	.075 (.413)
Bill Author	.996*** (.162)	1.242*** (.296)
Minority Population	0.002 (.003)	-0.0004 (.010)
Seniority	.040** (.017)	.073* (.042)
Income below \$10,000	.004 (.018)	-.073* (.043)
Urban	.001 (.004)	-.001 (.010)
N	1211	385
R²	.047	.085
Chi²***	.0000	.0000

Significant at P<.01***, P -value <.05**, P-value <.10*
Robust Standard Errors Reported in ()

The overall low rates of participation beg the question; do minority legislators view committee work less meaningful than other legislative duties in comparison to their non-minority counterparts? Are they shirkers? Are institutional factors inhibiting their ability to participate? Does the committee type play a role in participation?

In an effort to uncover whether institutional factors may play a role, I analyze the differences between incorporated minorities and non incorporated minorities, in addition to comparing them to their incorporated non-minority counterparts. In line with previous research on minority leadership akin to Preuhs (2006) who investigates lower chambers and finds that when minority representatives hold positions of power over specific policy areas, minority group influence over that specific policy increases. I anticipate that holding leadership positions may impact participation.

In support of the idea that institutional factors play a role in participation, I find a statistically significant relationship between the participation means of incorporated (those who hold leadership positions as committee vice-chair or committee chair) minorities and non incorporated minorities on both non-minority interest and minority interest bills, 2.3 and 1.79 to 1.44 and 1.51 respectively. Incorporated minorities also have higher statistically significant means in comparison to non minorities who are not incorporated on non-minority interest bills only, 2.3 to 1.71 respectively. However, incorporated non minorities have higher participation means on minority interest bills at 2.52 in comparison to incorporated minorities at 1.79 (see Table 3-6).

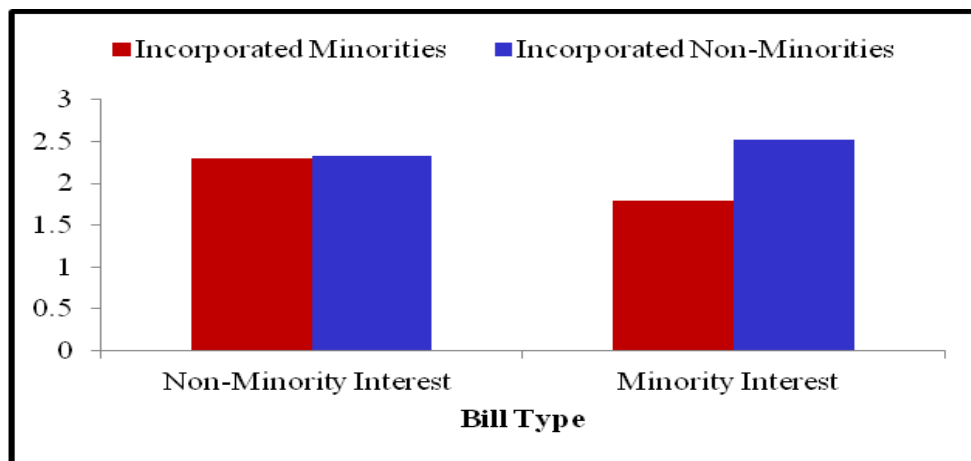
Table 3-6: Participation Mean Comparisons by Bill Type and Incorporation

	Participation on All Bills	Participation on Non-Minority Interest Bills	Participation on Minority Interest Bills
Incorporated Minorities	2.17 (.244)	2.3 (.303)	1.79* (.355)
Incorporated Non-Minorities	2.37 (.121)	2.32 (.343)	2.525* (.226)
# of observations	426	323	103

Significant at P<.01***, P -value <.05**, P-value <.10*

Please Note: Not statistically significant from each other (incorporated minorities vs. incorporated non-minorities) but they are statistically significant from the entire sample.

Graph 3-2: Participation Mean Comparisons by Bill Type and Incorporation



CONCLUSION

Does descriptive representation lead to substantive representation? This is the big question examined in this paper and it considers the role that race of public officials play in influencing their behavior during the policy making process and to what extent race motivates their efforts in working on issues that come before the legislature. Previous

scholars find that minority interests are served just as well by non-minority representatives and at times better represented (Swain 1993; Thernstrom 1987). The evidence during committee hearings in the Texas House during the 78th, 80th, and 81st legislative sessions is contrary to these findings. While white representatives attended committee hearings (minority interest and non-minority interest) more often than minority representatives, there were sizeable differences in the participation levels on minority interests. While, the findings regarding the impact of race on deliberative participation was not irrefutable, based on the data collected, the findings regarding incorporated minorities was positive and significant, suggesting that institutional mechanisms like increased staff and greater resources for committee leadership have positive impacts on the ability for minority representatives to advocate on behalf of minority populations.

Additionally, this paper is my attempt to expand the definition of substantive representation to include deliberative aspects of the policy making process to better understand the role of race and substantive representation. Political theorists continually suggest the impact that inclusive deliberation and diversity has on representative democracy (Mansbridge 1999; Williams 1998) and institutions that do not include certain groups are unlikely to be viewed as equitable by those historically excluded (Minta 2011), yet the increase of elected officials across all electoral institutions particularly state legislatures has been unexplored when examining deliberative aspects of the legislative process. Therefore, this paper while not irrefutable regarding the role of race and the deliberative process provides worthwhile findings for future research in the area of substantive representation and how it is measured.

CHAPTER 4:
**MINORITY VOICES: A CASE STUDY OF AFRICAN AMERICAN AND
LATINO BEHAVIOR DURING EDUCATION FINANCE LEGISLATION IN
THE TEXAS LEGISLATURE**

In order to understand the differences among minority representatives and non-minority representatives during the public policy making process, I first want to provide an in-depth analysis into how legislators deliberate on behalf of minority constituents using a case study approach. The goal is to tap into the questions of whether descriptive representation results in substantive representation and what representational role African American and Latino state legislators play during the state legislative policy making process during a stage in the policymaking process where empirical analysis is underdeveloped. More specifically, I will examine the role that race plays in legislator behavior during the 2006 Texas legislative committee hearings surrounding education finance (i.e. House Bill 1).

Indeed, the practical and theoretical impact of answering these questions may be significant. For example, if African American and Latino legislators voice their concerns on legislation during committee hearings on behalf of minority populations that advance minority interests in some way whether through amendments, funding allocations or language changes, this success could be an indication of the substantive impact of minority legislators on legislative outcomes beyond roll call votes and bill sponsorship. The current definition of substantive representation, therefore, would be expanded. Thus, if African American and Latino legislators are able to advance minority interests during committee hearings, it is possible that without their participation during the committee

hearing deliberative process both minority and non-minority interest legislation would be far less representative of minority interests.

THE CASE

The intent of this case study is to study the process of deliberation among minority and non-minority representatives at the state committee level. Hence, I will examine Texas state representative's behavior during committee hearings when House Bill 1 was crafted, specifically, minority representatives in comparison to non-minority representatives. Reiterating the aims of the dissertation, this case study will examine deliberation and how it relates to substantive representation - the theoretical underpinning for this project – which suggests that descriptive representatives who share unique experiences and backgrounds with minority constituents act as stronger advocates for minority group interests in comparison with non-minority legislators (Hero and Tolbert 1995; Mansbridge 1999; Pitkin 1967; Bratton and Haynie 1999; Grose 2005; Whitby 1997; Lublin 1999; Karnig and Welch 1980; Meier, Stewart and England 1989; Meier and Stewart 1991). Because studies on race and deliberation are found lacking in the literature, and little is known about what roles minority legislators play in their legislatures and what benefits they provide their constituents during the policy making process, this case study will provide fertile ground for this investigation. I argue that examining the deliberative and participatory aspects of how this legislation was formed within committee will provide a greater knowledge of the relationship between race and representation. Importantly, this case study will also help determine whether the coding method is practical and reliable in answering the theoretical question for this dissertation.

The focus on committee deliberation is an important one because according to prominent political theorists, committees are seen as the main deliberative arenas (Bessette 1994; Young 2000). Committee hearings provide unmatched opportunities for "detailed and extensive policy deliberation," which include the opportunity for witness testimony and cross-examination, while also providing the opportunity to summarize and assess critically pertinent reports and other types of information (Bessette 1994; Muir 1982). In committees "a process of group discussion in committees helps to increase information levels, identify erroneous reasoning, cool passions, and otherwise make it less likely that lawmakers will make flawed assessments of the merits of a piece of legislation before taking action on it" (Bessette 1994). Legislation is often shaped within committees and subcommittees well before coming to the floor for a final vote, and subsequently this is where most of the language of the bill is developed (Gamble 2007). Committees have many responsibilities in the process as they collect information through hearings and are responsible for mass distribution of information through committee reports (Gamble 2007).

In general, legislative committees at the state level are essential for decision making on the content of bills and are significant in the policy making process at the state level. "While there are some differences in terms of state, chamber, and session, overall, committees are more highly ranked than leadership, the governor's office, the chamber floor, pre-legislative sessions, or party caucuses" (Hamm and Hedlund 1994). Specifically, the regular committee meetings in the Texas House of Representatives are considered of uniformly high importance for key decision making activity (Francis 1989).

In terms of the specific case, it is noteworthy to point out that in Texas the average and low wealth school districts are disproportionately concentrated with minority students; while the state's wealthiest school districts are predominantly white (Cortez 2009). Subsequently, educational equity remains a continued issue in Texas education policy. I contend that these dynamics will provide some insight and context into when and under what circumstances minority legislators are most likely to offer a distinctive voice and perspective. More importantly, this case allows for an examination of whether minority legislators substantively represent minority interests and how they compare with their non-minority colleagues. In the following sections, I intend to provide an overview of Texas school finance litigation, the 2006 West Orange Cove versus Neeley Supreme court case, and the resulting legislation from which I will examine the role of minority legislators during the policy making process, specifically committee deliberation and the role it plays in regard to substantive representation of minority representatives.

TEXAS EDUCATION POLICY: STRUCTURE

Education is perhaps the most important function of state and local governments with a significant amount of a state's budget allocated for education expenditures (Texas Legislature Online 2012). The Texas school system is a combined effort of state and local government, as well as school districts. The general guidance and monitoring of education policy in the state is developed by the fifteen elected members of The State Board of Education and Texas Education Agency. The board has a governor elected chair and along with the members, hire the Commissioner of Education which heads The Texas Education Agency (TEA) (Riposa 1987). While TEA and the State Board make broad

policy decisions, local school districts have a significant amount of autonomy. The local districts have their own taxing authority within state guidelines and are governed by elected school board members. The local taxing authority usually is the root of many of the issues that Texas continues to face regarding education policy in the state because it produces substantial financial inequities among districts.

TEXAS SCHOOL FINANCE: BACKGROUND

Local property taxes comprise a significant portion of funding for public education in Texas. The districts revenue in 2006 was over 42 billion dollars, where 52.4 percent was from local taxpayers, 37.8 percent from the state, and 9.8 percent from the federal government. [see Table 4-1 below]

Table 4-1: State, Local, and Federal Education Contribution

	2006-2007
State Contribution	37.8%
Local Contribution	52.4%
Federal Contribution	9.8%

(Texas Education Agency Data 2008)

The reliance on property taxes tends to lead to disparities of education funding across different districts because property wealthy communities generate more revenue for education. As a result, property wealthy communities have a larger tax base from which to generate real estate revenue, while property poor communities cannot generate the same amount of revenue for education, even when they tax at a higher rate. Consequently, poor children receive a lower quality of education than wealthier children.

The Texas public school system is massive, coming a close second nationally to California with regard to public school enrollment. Texas demographics provide an

important context for the resulting litigation on equity because the disputes typically involve increasing or redistributing school funding which primarily benefits minority and economically disadvantaged students. Texas has more than twelve hundred districts and charter schools and over eight thousand campuses (TEA 2008). Currently, Texas has over 4.6 million students where half of these students are economically disadvantaged and 17 percent are limited English proficient. The minority student population continues to see remarkable growth and makes up over 60 percent of the school system demographics, where 14 percent of the students are African American, 47 percent are Hispanic, and 34 percent are White (see Figure 1). Notably, the minority annual dropout rate (African Americans and Latinos) is three to four times higher than non-minority (white) students in Texas since the 2003-2004 school year (TEA 2008) (See Table 2). Importantly, Texas student school enrollment is overwhelmingly minority, but the minority student population largely makes up the economically and educationally disadvantaged students and continues to grow.

**Figure 4-1: Enrollment by Ethnicity
(Texas Education Agency Data)**

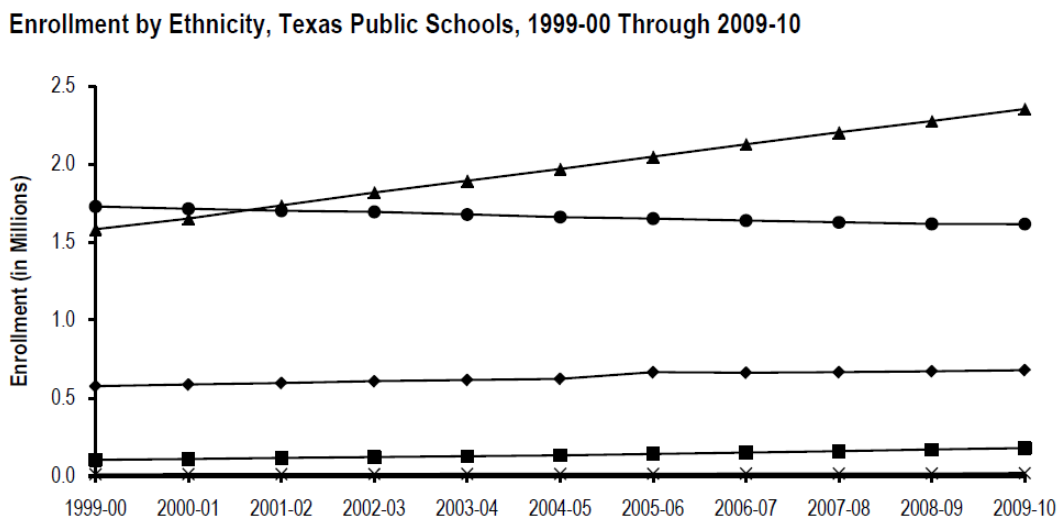


Table 4-2: Student Drop Out Rate by Race 2003-2004 through 2009-2010

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
African American Students	(1.7%)	(1.7%)	(5.4%)	(5.8%)	(5.0%)	(4.4%)	(3.9%)
Hispanic Students	(1.9%)	(2.0%)	(5.2%)	(5.4%)	(4.4%)	(3.8%)	(3.1%)
White Students	(.6%)	(.7%)	(1.8%)	(1.5%)	(1.5%)	(1.3%)	(1.1%)

COURT CASES AND LEGISLATION RELATED TO TEXAS SCHOOL FINANCE

Gross under-funding of districts, specifically poor minority districts, has led to numerous legal disputes between the state, taxpayers and school districts in the State of Texas over the past thirty years. Many of these districts have declared that the public school finance system was insufficient, inadequate and unsuitable because of its inability to provide “a general diffusion of knowledge” as required by the Texas Constitution. Notably, there have been several instances where the Texas finance system has been challenged by the courts to develop a fairer and more equitable funding system, thereby leading to ordered revisions by the legislature. These lawsuits also referred to as the Edgewood lawsuits (I-IV), were disputes on equity and how to resolve the major discrepancies in funding disparities between property rich and property poor districts. This section will review this history as it provides the context for the forthcoming analysis on deliberation and participation during the 3rd called special session of the 79th legislature in 2006, which represents the sixth attempt by the legislature to change Texas’ thirty three billion dollar education system since 2003.

The Edgewood Independent School District v. Kirby (1989) court case began a series of lawsuits in Texas related to the disparities in spending per pupil across districts

hugely disadvantaging poor minority districts. The plaintiffs in this case argued that the equal protection and education clause in the state constitution which requires that “suitable provision for the state support and maintenance of an efficient system of free public schools” was violated. The court ruled in favor of the property poor districts and deemed that the system in place was flawed and unconstitutional in terms of the efficiency requirements in the Texas constitution. While the state appeals court overruled the lower court's decision in 1989, the Texas Supreme Court in a unanimous decision ruled again in favor of the plaintiffs ordering the Texas legislature to revise the current inequitable education finance system before the 1990-1991 school year (Texas State Historical Association, 2001). The extreme differences in wealth between the property rich and property poor districts resulted in poor districts unable to provide its students with an efficient education as required by the state constitution.

The court cases continued and multiple modifications to legislation have been required to correct the inequities in the Texas school finance system¹². More recently, in

¹² Referencing only the African American and Latino population

¹² In 1990, Senate Bill 1 was enacted and consisted of legislation that required biennial studies and modification to address district inequity. In addition the state increased education funding to well over \$500 million. However, because the structure of the education funding system remained the same, major disparities still resulted because the property poor districts were burdened with much heavier tax rates than property owners in property rich districts to generate substantially the same revenue per student for public education (Imazeki and Reschovsky 2003). Edgewood II was the consequence. The Texas Supreme Court again ruled in favor of the plaintiffs and ordered the legislature to create a new education funding system. In 1991, the legislature crafted Senate Bill 351 to remedy the equity issues brought forth by the plaintiffs in the Edgewood II case. The legislation created county education districts (CEDs) which levied state mandated property taxes of one dollar per one hundred dollars of property value on the first \$280,000 of property value per pupil (Texas Education Agency 2001). The revenue would then be distributed on an equal per pupil basis within each district. In 1992, Edgewood III was a result of this legislation because property wealthy districts argued that Senate Bill 351 was unconstitutional because voter approval was necessary for a tax levy and the bill essentially was mandating a statewide property tax, which is prohibited in the state constitution. The court agreed that the bill essentially mandated a statewide property tax and deemed Senate Bill 351 unconstitutional and ordered the legislature to again rectify the education financing system.

In response to the ruling by the state district court, in 1993 the 73rd legislature enacted Senate Bill 7 which created the recapture system (also known as Robin Hood). This legislation improved equity and adequacy

2001, high property wealth districts filed a lawsuit (*West Orange Cove vs. Neeley*) which argued that the state's current \$1.50 statutory cap on maintenance and operations tax rates represents an unconstitutional statewide ad valorem tax (TEA 2001). After the case was sent back to trial court from the Texas Supreme Court, 285 other school districts joined the case as plaintiffs or interveners claiming that the school system was inadequate and unsuitable, and inefficient. In November 2004 the court ruled in favor of these districts. It ruled that the Texas school finance system was indeed inadequate, inefficient and unsuitable, and that local ad valorem taxes had become a state ad valorem tax, violating articles in the Texas Constitution. The court ruled that the Texas legislature could not distribute any money under the current Texas school finance system until they remedy the violations of the school funding system. The legislature was given until October 1, 2005 to correct for these constitutional violations. On top of that, the court awarded the plaintiffs over four million dollars in attorney and court fees. However, in November 2005 in *West Orange Cove vs. Neeley*, the Texas Supreme Court partially upheld and partially reversed the lower court's decision. It found that the system did not violate the state constitution's education article, relying on standardized tests to validate the constitutional mandate that the state was providing an adequate education. It did

of school funding by redistributing tax dollars from the state's wealthier school districts for redistribution to property poor districts. Specifically, recapture required that school districts be capped at \$280,000 of wealth per student to achieve an equalized wealth level across the state (Texas Education Agency 2001). And for those districts that exceeded the \$280,000 limit they had five options to share their wealth which included, 1) consolidating voluntarily with a poorer district; 2) moving taxable property to a poorer district's tax rolls; 3) sending money to the state; 4) contracting to educate students in other districts; or 5) merging the tax base with a poorer district's (Texas Education Agency 2001). This system was designed to acknowledge and remediate the issue that property poor districts could not raise the same amount of revenue as property rich districts because of their low property values even at the same tax rate. In *Edgewood IV*, the Supreme Court upheld this system and deemed Senate Bill 7 constitutional. However, *Edgewood V* argued that mass inequities still existed because of various loopholes which allowed some property rich districts to avoid by small or even sometimes large measures the recapture provisions established in Senate Bill 7 (Imazeki and Reschovsky 2003).

however; maintain that the prohibition of a statewide property tax had been violated and required correction. This ruling was a huge setback for the poor minority districts because the focus shifted from the inadequate school system and funding mechanisms to lowering the taxes for the wealthy districts.

Therefore, in 2006 House Bill 1 (HB1) was drafted which involved changes to the school funding plan originally adopted by the legislature in 1993 due to a new court mandate¹³ to modify the finance system. A major concern of opponents is that this new legislation went above and beyond the court mandate and expands funding disparities between wealthy and poor districts, due to the reintroduction of unequalized local enrichment¹⁴. This 2006 legislation (HB1) is the focus of this case study due to its clear divisiveness between the rich and poor districts¹⁵, which inherently divides along racial lines. Below I will expound on the legislation which resulted from this ruling and

¹³ West Orange Cove vs. Neeley resulted in the ruling that the existing level of funding provided by the state was “adequate”, that the state had placed an inordinate percentage of funding for TX public education on the backs of local school districts which required all districts to set local tax rates at the maximum level and resulted in a state mandated property tax that violated the TX constitutions prohibition against such taxes. It also rewrote the equity standards that had been established in Edgewood I by proposing that as long as the state provided equitable access to a minimum education program for all school districts, it could allow some school districts to raise some unequalized enrichment above that level. (Cortez 2009)

¹⁴ Unequalized local enrichment refers to extra money raised by school districts beyond the minimum funding provided by the state system.

¹⁵ The case comprised the Edgewood Appellants which were twenty two property poor districts, several of whom were part of the 1980s Edgewood case. These property poor districts comprise huge numbers of minority, limited English proficient (LEP), and low income students¹⁵. The district court found that “lacking sufficient funding, property poor districts such as the Edgewood Interveners have been unable to provide adequate facilities for all the children in their districts” (Edgewood IV). However, the Supreme Court overturned the district court ruling¹⁵, which was a considerable disappointment to the Interveners. The Supreme Court ruled that the education system the legislature has devised is adequate because it prescribes an education curriculum, and by means of accreditation standards, holds schools accountable for teaching it. The court suggested that because schools and districts rated “academically acceptable” provide what is deemed an accredited education; this is indeed an education that achieves a general diffusion of knowledge. However, the Supreme Court upheld the District court’s decision that the tax structure for funding public schools was indeed unconstitutional. Consequently, the Texas legislature was charged with immediately complying with the Supreme Court’s ruling regarding the tax structure. Below I will expound on the legislation which resulted from this ruling and provide a description of how I will proceed in analyzing representational behavior in the context of this legislation.

provide a description of how I will proceed in analyzing representational behavior in the context of this legislation.

THE LEGISLATION

An examination of the deliberation among legislators on House Bill 1¹⁶, the legislation complying with the Supreme Court ruling from the West Orange Cove vs. Neeley case, provides a unique opportunity to empirically analyze an issue that has been ongoing in the state of Texas - education finance reform – specifically equity of funding among the school districts.

In this case study, I will develop an original measure to analyze patterns of minority representatives' language on House Bill 1 for racial perspectives during state legislative committee hearings. Specifically, I examine the verbal comments of Texas State Representatives in video transcripts of committee hearings from the Texas State Legislature on House Bill 1 within the Senate Finance committee, 79th Legislative Session (2005 - 2006). This analysis is an effort to expand the scope of the narrow body of work that examines race and deliberation (Canon 1999; Gamble 2005; 2007). While a considerable amount of literature on representation has been conducted at the congressional level, each of these methods will make an empirical and theoretical

¹⁶House Bill 1 was drafted legislation to remedy the constitutional infirmity recognized by the court in a third called special session of the 79th Texas Legislature.

A summary of the legislation as reported by the House Research Organization (2006) which states

“In HB1, the Legislature mandated a one third reduction in school district M&O taxes by tax year 2007. For districts now taxing at the maximum of \$1.50 per \$100 valuation, the base rate will drop by 11.3 percent, to \$1.33 in the 2006 tax year. School districts would have the discretion to levy up to 4 cents per \$100 beyond the base tax rate in enrichment taxes without voter approval. Additional enrichment taxes would have to be approved by district voters in an election. Property wealthy district will not have to return revenue raised by the first 4 cents (the first 6 cents, starting in 2009) of their enrichment tax under the “Robin Hood” recapture system, and other districts will receive additional state aid to equalize the yield from their enrichment tax. State aid to equalize the yield from all M&O taxes also will increase.”

contribution to the literature on our understanding of minority representational behavior because it will provide an in depth analysis at the state level which has yet to be explored.

RESEARCH DESIGN AND METHODOLOGY

In order to address the research questions previously mentioned in the first section of this case study and to expand the scope of the narrow body of work that examines deliberation (Canon 1999; Gamble 2005; 2007), I develop an original measure of substantive representation that analyzes patterns of minority representatives' language on the committee substitute¹⁷ to HB1 from the Senate Finance committee during the 3rd called special session of the 79th legislature¹⁸ (2006) for minority and nonminority policy views during state legislative committee hearings. This special session is the sixth attempt to modify the Texas education funding system. I will examine two racial minorities (African Americans and Latinos) during this session and compare them to their non-minority counterparts.

Case Selection

I chose to analyze five committee hearings of the Senate Finance committee revolving around the committee substitute to House Bill 1. This committee has variation with regard to representatives' race, gender, and party affiliation. The committee has a total of fifteen members (see Table 4-3 below for descriptive information); one African American, three Latinos, and four women (one of which is Latino and holds a leadership position as vice committee chair). Overall, there are 5 democrats and 10 republicans. I

¹⁷ The committee substitute is an amendment of a bill in committee which provides for total replacement of a bill with new language, but which is relevant to and within the constraints of the subject of a bill.

¹⁸ The 79th Legislative Session has 19 republican Senators, 12 Democratic Senators, 86 Republican State House representatives, and 64 House Democratic State representatives.

was interested in a bill that would draw out minority voices and go beyond the use of roll call votes to measure legislative behavior. The five hearings have a total of 15 members acting in one of five positions during the hearing (e.g. chair, vice chair, author, sponsor, and/or committee member). Thirty three percent of members were democrats, closely resembling the party distribution in the entire Senate. Twenty six percent are women. Forty eight percent of all senators were represented in this hearing. Four of the fifteen (26%) Senators are minority legislators. Two out of the fifteen (roughly 13%) Senators were in their first term, both Republican. The other Senators ranged from 2 to 6 terms in office, with the vice committee chair - a Latina woman - serving the longest of six terms. The two Senate sponsors on the bill were Republican. Overall, the sample statistics on this bill is representative of other bills and senators with regard to many important characteristics.

Table 4-3: Senator District Racial Population Demographics

Senator	White Population % of District	African American Population % of District	Hispanic Population % of District	Term	Race	Party
Nelson	82.8	5.6	13	5th	White	Republican
Staples	80.1	12.7	9.9	2nd	White	Republican
Williams	80.1	13.2	8.7	2nd	White	Republican
Averitt	78.3	11.2	15.1	1st	White	Republican
Shapiro (Bill Author)	77.8	5.6	14.3		White	Republican
Ogden (Chair)	76.8	12	15.8	3rd	White	Republican
Deull	75.7	13	14.7	2nd	White	Republican
Brimer	67.5	16.2	22.9	2nd	White	Republican
Janek	62.4	14.7	22.7	1st	White	Republican
Duncan	61	6	31	4th	White	Republican
Whitmire	50.7	25.4	35.2	4th	White	Democrat
West	34.9	40	38.9	6th	African American	Democrat
Madla	26.7	6.3	65.6	4th	Hispanic	Democrat
Zaffirini (Vice Chair)	25.9	5.9	71	6th	Hispanic	Democrat
Hinojosa	22.5	2.3	73.4	2nd	Hispanic	Democrat

(Census 2000 District Population Statistics)

Dependent Variables

The dependent variable deliberation is based on frames developed using content analysis. I review taped transcripts of deliberations during the Senate committee hearing transcripts from HB1. The five hearings represent a total of 15.2 hours of committee deliberation, with a mean length of 1 hour and 52 minutes, ranging from 21 minutes to 3 hours 27 minutes. I code each sentence and/or question by minority and non-minority representative's based on a frame recognized as a minority interest or non-minority interest policy perspective. The frame recognized is essentially the central core of the packaging of an argument, and indicates what is at stake in a given piece of legislation

(Walsh 2002). Coding for frames proceed as follows (as developed by Walsh 2002): To allow for the possibility that minorities and non-minorities do not use different perspectives in committee hearings, I create the coding categories by listening to the hearings while blind to the racial identity of the speakers. Thus the list of code categories is developed in a way that minimizes my knowledge of the race of the legislator. To increase the reliability of this coding procedure, I use an assistant to help develop the frame for this bill, and the final coding frame is one that is synthesized from each. I also use an assistant to code the deliberations after the frames have been established for reliability¹⁹ of the dependent variable.

The coding frames include policy related minority interest statements, policy related minority interest questions, policy related non-minority interest statements, policy related non-minority interest questions, factual questions, factual statements, and bill explanations. Policy related minority interest statements and questions include statements by representatives based on the frames shown below in Table 4-4. I argue that these statements and questions reflect substantive representation as it produces discussion and viewpoints that may reveal the impact the legislation has on minority or underserved communities. Non-minority interest policy questions and statements reflect questions, answers, or statements made by a representative related specifically to the policy i.e. impact, detail, rules, explanation. Factual statements and questions are not directly related to the bill impact or details but may be based on responses to questions, procedure and/or witness testimony. The coding for bill explanation is when bill facts are clarified and no opinion from the representative is expressed.

¹⁹ The intercoderreliability was 88%.

Table 4-4: Minority Interest Frames

Minority Interest Frames Include:
Poor (districts/schools)
Disadvantaged
Limited English Proficiency
African Americans
Latinos
Recapture
Drop outs
Equity
Teacher pay raise
Bilingual/English

Example of the coding would be as follows:

In this example, Senator Judith Zaffirini (D-TX) intervenes for legislation benefitting Latinos that may otherwise have been overlooked, yet it was eventually added to the final legislation:

[Minority Interest Question]

[Bilingual Frame]

Judith Zaffirini (D-TX): “On page 52 of the committee substitute you address the issue of measuring the annual improvement of standard achievement and we talked specifically in meetings with regard to this bill that we needed to address the issue of testing students in dual language rather than English only, but this seems to reflect the original language, it doesn’t have any changes. Are we still working towards this amendment?”

[Factual Statement]

Florence Shapiro (R-TX-Bill author): “Yes...”

[Minority Interest Question]

[Bilingual Frame]

Judith Zaffirini (D-TX): “So working toward English plus as a second language not just bilingual education as a remedial tool?”

[Factual Statement]

Florence Shapiro (R-TX-Bill author): “That’s correct.”

RESULTS

The exploratory nature of this case study provides substantive and empirical evidence of minority legislators providing a voice for minority constituents, namely providing more minority interest language on a minority interest bill in comparison to their nonminority colleagues. In addition to the coding example above that was actual deliberation that occurred during Senate Finance Committee deliberation for the committee substitute for House Bill 1, below I will provide additional detailed comments during the Senate Finance Committee deliberation that offer support for the primary hypothesis set forth in this project.

In this example, a deliberation occurred during the same committee hearing between an African American Senator, Royce West (D-TX) and the bill author, a White Female Senator, Florence Shapiro (R-TX). Senator West takes a considerable amount of time to address the policy issues of recapture, equity enrichment, teacher pay raises, and high school allotment, each of which are profoundly important to minority interests. Notably, many of his areas of concern were addressed by changing the language as the legislation was being crafted or completely adding to the bill new amendments to ensure its intent, for example:

Royce West (D-TX): “Senator Shapiro I want to talk about several different areas, recapture, equity enrichment, teacher pay raise and high school allotment...”, “As it relates to the high school allotment, there is a provision that if it is just for students ages and grades 9-12 then there are going to be a lot of *ethnic minority kids* that you lose before the 9th grade.”

Florence Shapiro (R-TX-Bill author): “There is a provision that states on an ADA basis for grades 9-12, but it can be spent on children down to 6th grade.”

Royce West (D-TX): “So the allotment will be for 9th-12th grade?”, “So realistically the money follows the children in the grades 9-12 not 6-12?”

Florence Shapiro (R-TX-Bill author): “Yes...”

Royce West (D-TX): “See here’s the issue and maybe we can work it out, we are losing a lot of kids before they get to the 9th grade and the question becomes if you are losing them before they get to the 9th and develop a formula based on 9-12 grade, is that fair for the kids 6-12?”

Florence Shapiro (R-TX-Bill author): “There’s nothing that prohibits them from using the money for the middle school.”

Royce West (D-TX): “So realistically schools that don’t have a dropout problem can use it more effectively than schools that do have a dropout problem?”

Florence Shapiro (R-TX-Bill author): “I would be willing to bet that there is a dropout problem in almost every school district in the state.” “Almost.”

Royce West (D-TX): “Relatively speaking those with a dropout problem that isn’t as pronounced would have better opportunities for using these dollars.”

Florence Shapiro (R-TX-Bill author): “There are other programs included in this amount of money, college readiness...; the problem just isn’t our dropout rate.”

Royce West (D-TX): “I agree with you wholeheartedly, the question is will we have dollars for those schools that have significant dropout rates.”

Royce West (D-TX): As it relates to the issue of equity, is it still the committee’s intention to work on the issue of equity and recapture?

Florence Shapiro (R-TX-Bill author): “Yes.”

While this example provides some insight into the benefits of deliberation during committee hearings because Senator West was able to point out, clarify and voice how the legislation would impact schools a significant population of ethnic minority students, we know very little about minorities and the deliberative process and hardly any studies have empirically examined African-American and Latino legislator behavior and the legislative process (Orey 2007; Gamble 2007). Advocates of deliberative democracy argue that deliberation itself is an important component of representation (Canon 1999).

Deliberation can change debates, agendas, and even preferences (Barber 1984; Drysek 1990; Gutmann and Thompson 1996; Sunstein 1993). Consequently, while this case study only examines a small subset of deliberations among minority and non-minority representatives, it bridges a gap in the literature on representation and the public policy making process.

COMPARISONS OF DELIBERATION

The results of the case study suggest that there are significant differences among African American, Latino and Anglo legislators. As shown in Graph 4-3 [Also See Table 4-6 below], on average the minority representatives use minority interest language nearly three times as often as their Anglo counterparts. Notably, the African American representative uses more minority interest language than their Latino and Anglo counterparts combined. Overall, the average minority interest statements and questions made by the eleven Anglo representatives was 3.81 (with a minimum of 0 and a max of 12), the average minority interest statements and questions mentioned by the three Latino representatives was 12 (with a minimum of 4 and a max of 21), and the one African American (Royce West – Democrat) representative made 35 minority interest statements and questions.

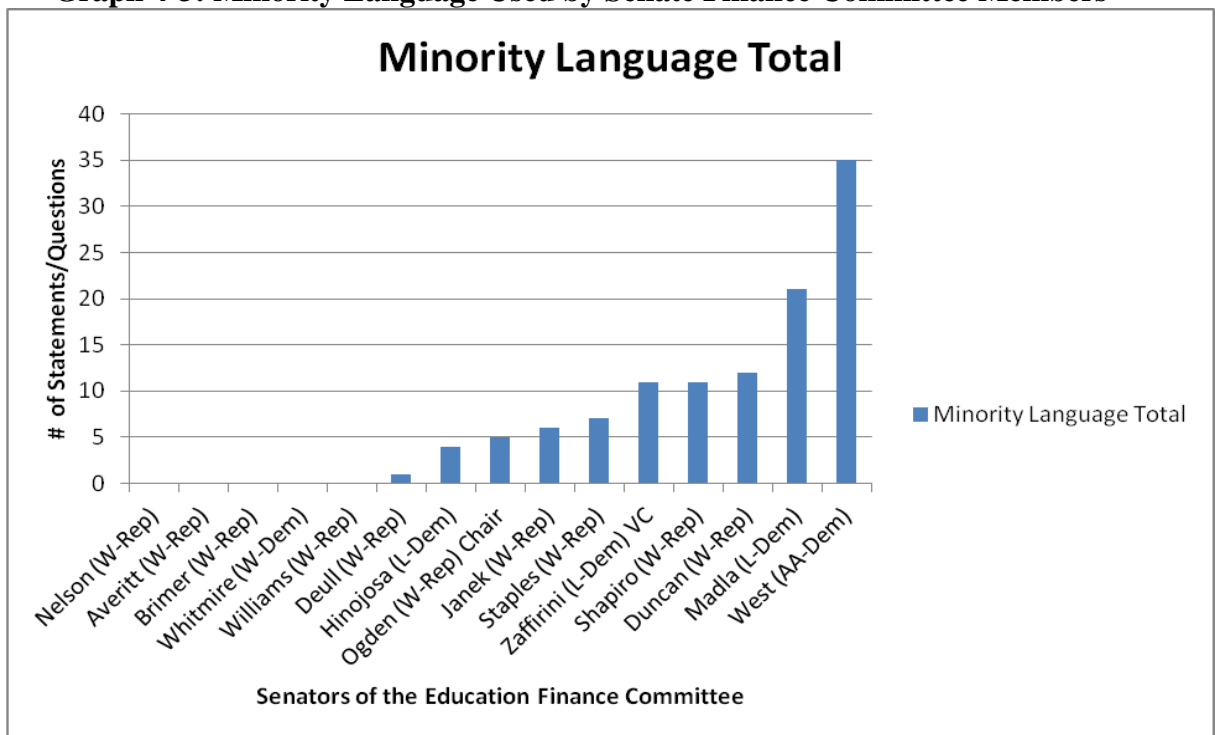
Table 4-5: Descriptive Results for Senators by Race

	<i>White Representatives</i>	<i>African American and Latino Representatives</i>
	Mean	Mean
Term	2.8	4.25
Incorporation	.181	.25
Minority Statements	2.54	6.75
Minority Questions	1.27	11
Non-Minority Statements	14.54	13.25
Non-Minority Questions	7.45	12.5
Minority Language Total	3.81	17.75
Language Total	39.36	55.25
# of Observations	12	4

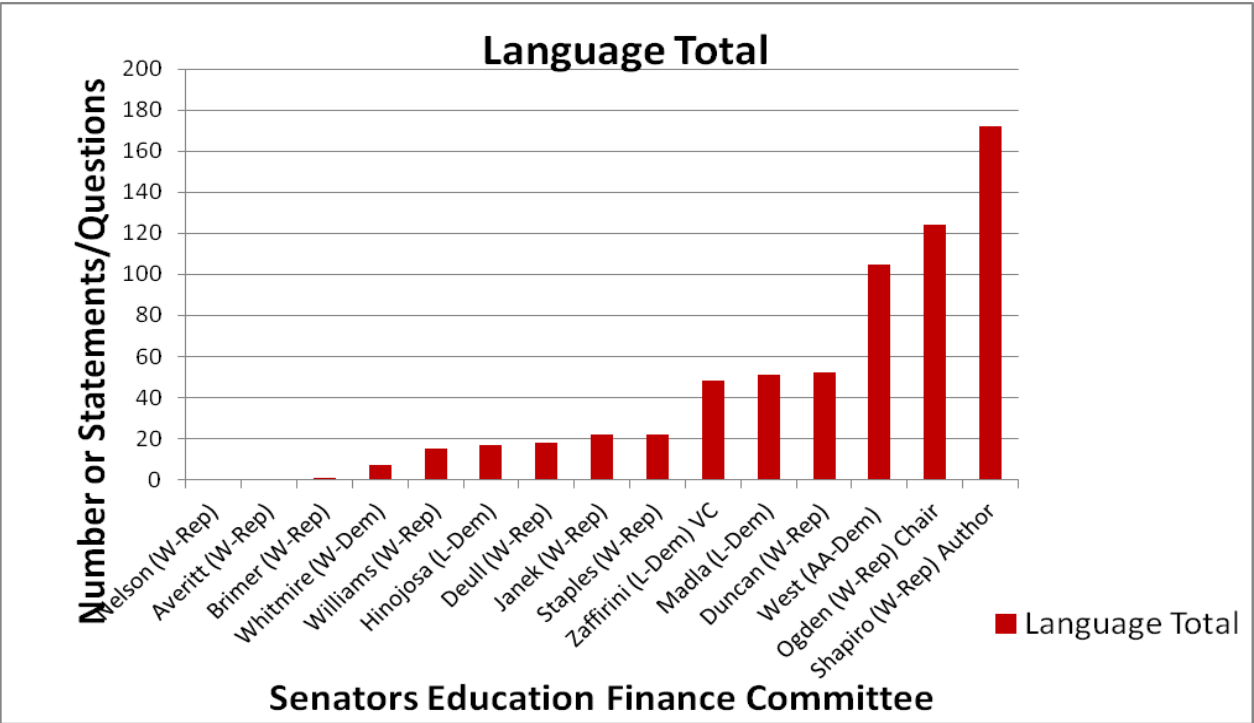
Another interesting finding for this case study was the language total for each of the groups, which shows that the White representatives spoke on average 40 times (with a minimum of 0 and a max of 172), the Latino representative spoke on average 39 times (with a minimum of 17 and a max of 51), but the one African American representative spoke 105 times during these committee hearings. The African American representative at the time was a 5th term senator but did not hold a leadership position nor was he the author or sponsor on the bill, whereas the chair of the committee was Anglo, the author of the bill was an Anglo representative, and the vice-chair was a Latina which arguably provided them more speaking opportunities during the committee hearings (See Graph 4-4 below). In Graph 4-5 below, I show the amount of minority interest language in comparison to the total language used. Notably the two minority democratic senators West and Madla use the most minority interest language relative to the total language they used during the committee hearings. In addition, the Latina female senator (Judith

Zaffirini) who is also the co-chair of the committee used very little minority interest statements nor did she speak at length in comparison to her male African American and Latino Democratic colleagues who are not in leadership positions. As a result, I would argue that based on these observations there may be some significance with regard to my proposed hypothesis (H1) that minority representatives will have a greater amount of minority interest language on minority interest bills than will non-minority representatives. I intend to tease out this hypothesis (H1) and other hypotheses further in my dissertation.

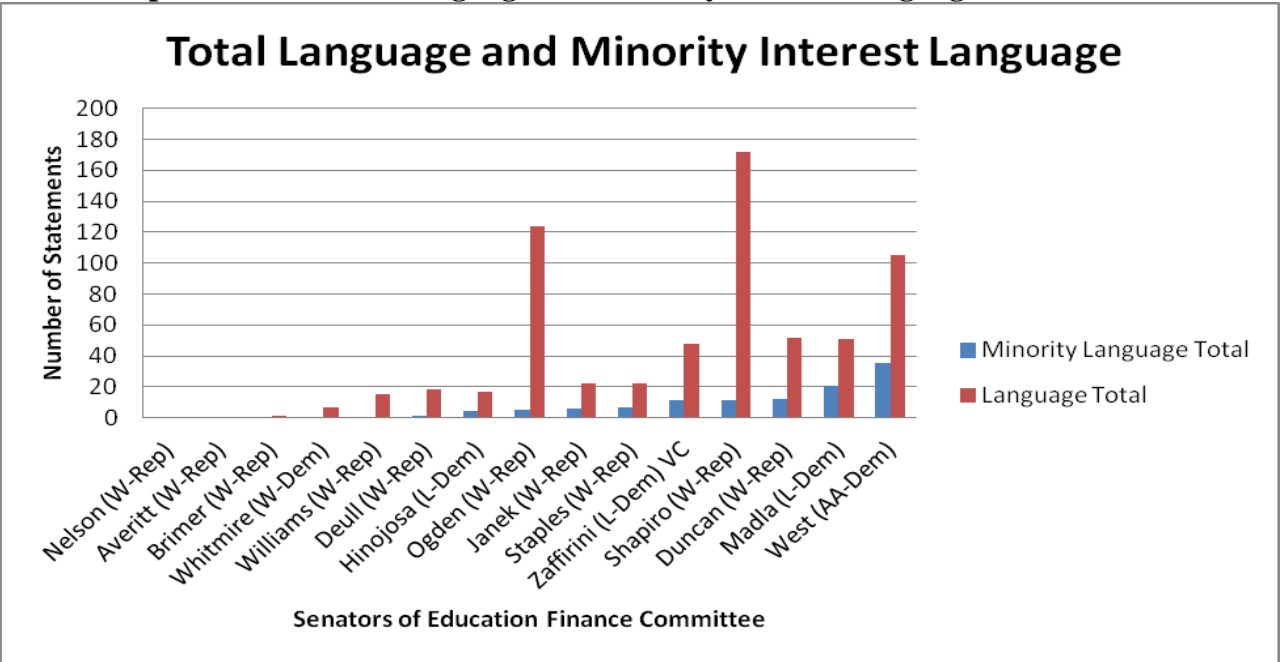
Graph 4-3: Minority Language Used by Senate Finance Committee Members



Graph 4-4: The Total Language Used by Senators during Committee



Graph 4-5: The Total Language and Minority Interest Language



Furthermore, in terms of the demographic data for the representatives, it is important to note the minority population statistics for these representatives' districts as they may play a role in how they deliberate on behalf of minority constituencies. As shown below in table 6 [Insert Table 4-6 here], the average African American population percent for the White representatives is 12%, 40% for the African American representative and 4% for the Latino representatives. The average Hispanic population for the White representatives is 18%, 39% for the African American representative and 69% for the Latino representatives. The percent of people in their district with income levels below \$10,000 is 9.25%, 13.9%, and 15.1% for White, African American, and Latino representatives respectively. However, the lowest percent for the White representatives with this income level is 3.2%, while it is 13.9% for the African American and 14.8% for the Latino representative. While the case study is but a small representation of a large population of state representatives, it gives credence to the purpose of the dissertation.

Table 4-6: Averages of Demographic Information for Representatives' District by Race

	<i>White</i>	<i>African American and Latino</i>
	Mean	Mean
Hispanic Population percent	18.41	61.18
Foreign-Born Population	10.93	17.39
Non-Citizen percent population	7.53	12
Black population percent	12.32	13.28
Voting age percent	72.47	68.56
Public Assistance Percent	2.45	5.8
Income \$0-\$10,000	9.25	14.8
# of Observations	11	4

CONCLUSION

The analysis and results of this case study while only exploratory in nature provide the basis for this project and contribute to the validity for taking on a project of this magnitude and scope. Importantly, the coding scheme was reasonable and sufficient to capture the impact of minority representatives during the deliberation process. The results provide a small degree of insight into the differences in how minority representatives deliberate in comparison to their non-minority counterparts. It is evident that an in depth exploration into the differences in representatives' behavior in committee hearings based on race will provide a fruitful contribution to the body of work on legislator behavior and deliberative democracy.

My analysis draws on original data collected through committee hearing tapes and online video archives of Texas committee hearings in multiple policy areas, and initial findings indicate that minority legislators do indeed provide a voice for minority constituents, providing more minority interest language on minority interest bills in comparison to their nonminority colleagues. These initial findings support the argument that minority legislators do indeed substantively represent minority constituents at levels greater than non-minority representatives during the legislative process. Notably, these findings are during committee hearing deliberations and move beyond the standard measures of roll call votes and bill sponsorship for measures of substantive representation, which have shown no difference in support for minority interest legislation or even lower levels of support for minority interest legislation by minority

representatives comparative to their non-minority colleagues (Cameron, Epstein and O'Halloran 1996; Lublin 1997; Swain 1993).

CHAPTER 5

MINORITY VOICES: SAMPLING CRITERIA

As noted in a previous chapter, deliberation is important because “increasing the number of minority voices represented by racially, ethnically, or aesthetically distinct individuals-enriches the policymaking environment” (Mansbridge 1999). Mansbridge (1999) emphasizes that when descriptive representation occurs, horizontal communication between legislators improves, but other things equal, descriptive representatives are more likely than non-descriptive representatives to act as their descriptive constituents would like them to act when making or changing policy. Further she suggests that increases in the descriptive representation of minority voices can reduce the tendency to dismiss claims as illegitimate or strange, and may buffer the effective use of institutional rules to advantage minorities. In fact, if “these minority voices originate from persons having a mutually interactive relationship with disadvantaged groups and from sharing a commitment to dispossessed subgroups within said groups, representation and democracy are advanced even further” (Dovi 2002). It is because of what normative theorists define as this racial group consciousness, which asserts that racial or ethnic group minorities are more likely to represent the interests of marginalized groups in the policy making process (William 1998; Young 2000), that the shared experiences of the minority legislators will bring different viewpoints and understandings of the causes of problems and conflicts, as well as the possible effects of proposed solutions to minorities during committee deliberation (Minta 2011).

Thus, minorities are more likely during deliberation to make a substantive contribution during committee hearings. More specifically, the following hypotheses detail expectations about minority representatives.

H1: Minority representatives will have higher committee hearing attendance rates on minority interest bills in comparison to their non-minority counterparts, holding all things constant.

H2: Minority representatives will have a greater amount of minority interest language on minority interest bills than will non-minority representatives, holding all things constant.

To study whether minorities provide substantive representation during committee hearings, I sampled bills chosen from Texas which had a committee hearing. The bills are determined by a strict set of criteria using inter-coder reliability to draw the sample. The sampling procedure is intended to contribute to the representation literature by implementing a systematic sampling method. The sampling methods used are chosen based on committee jurisdictions and areas that have been historically perceived as minority interest because they disproportionately affect these constituents such as, immigration and bilingual education (Sanchez 2006), as well as health, social welfare, education, civil rights and employment opportunity issues (Haynie 2001).

In Texas, the House and Senate are both divided into standing committees which handle hundreds and sometimes thousands of bills during each legislative session. I sampled bills from the 81st Legislature (2009), 80th Legislature (2007) and 78th

Legislature (2003) that passed through committee²⁰ and were identified as major legislation during each of the legislative sessions based on information from the Texas House Research Organization (HRO)²¹ (see Table 3-1 from the previous chapter). Second, the committees must have minority legislators. The sample must include committees with minority legislator membership otherwise the analysis is null²². Table 5-3 shows the prerequisite for bill selection which requires minority legislator membership on the committee in question hearing the minority interest legislation. Please note that Table 5-3 indicates the number of African Americans, Latinos, and their total percent of the committee membership. During the 78th, 80th, and 81st legislative sessions, the committees selected have at least 11% and up to 67% minority membership.

Table 5-2: The graph below highlights the selection criteria

Bill Type	Committee Representation	
	Minorities on Committee	No Minorities on Committee
Minority interest	Yes (H1 & H2)	N/A
Non-minority interest	N/A	N/A

[Insert Table 5-3 here]

When a bill is introduced by its author, it is then assigned to a specific committee based on the subject matter of the bill and which committee holds jurisdiction of that specific subject matter. Therefore, in addition to choosing bills that have been heard in

²⁰ Bills that died in committee, never received a hearing, or no action was taken on a proposed motion or amendment were excluded from the dataset.

²¹ Based on information from the Texas House Research Organization (HRO) – The House Research Organization (HRO) is a nonpartisan independent department of the Texas House of Representatives. It provides impartial information on legislation and issues before the Texas Legislature. This is similar to Walsh's (2002) design which examines deliberative contributions among women on major legislation related and non-related to women issues.

²² Table 5-2 is a brief illustration of how the selected bills for minority interest will measure the aforementioned hypothesis.

committee and have minority legislator membership, I also identify committees that have jurisdictions which include areas that address or could reasonably be assumed to have greater impacts on minorities than on non-minorities. For instance, there are fourteen jurisdictions that may overwhelmingly affect minority populations which include: appropriating money; provision of public services; civil law, including rights, duties, remedies, and procedures; alternatives to incarceration; criminal law, prohibitions, and standards; right of suffrage; education beyond high school; welfare and rehabilitation programs; public schools and the financing thereof; protection of public health; legislative districts, house and senate, any changes; congressional districts, creation, changes; problems and issues of metropolitan areas; and all proposals to modify, amend or change any existing state tax or revenue statute. I identify the committees that contain one of these jurisdictions with minority legislator membership. Hence, the committees include: Corrections, Redistricting, Urban Affairs, Border and Intergovernmental Affairs, Elections, Public Education, State Affairs, Human Services, Appropriations, and Public Health. Table 5-4 illustrates the number of bills heard in the House committee, which is the primary prerequisite for the sample because in order to code deliberation the bill has to make it to the committee hearing phase of the legislative process. The table includes the total number of bills in the sample that had committee hearings during the 81st, 80th, and 78th legislature (74 bills), and also the number of bills that relate to minority interest (34 bills).

Table 5-4: Committees and the Minority Bills Sample Statistics

Committee	Qualifying Bills (# Bills Heard in Committee) <small>*78th, 80th and 81st Legislature</small>	Minority Interest Bills Sample (Chosen by bill topic)
Appropriations	7	1
Corrections	5	3
Redistricting	1	1
Urban Affairs	1	0
Border and Intergovernmental Affairs	0	0
Public Education	18	12
Public Health	12	3
Elections	4	2
Higher Education	8	4
Human Services	4	3
State Affairs	14	5
Total	74	34

From these committees there was a final sample of minority interest bills of 34, and from this sample I randomly chose 9 minority interest bills, shown in Table 5-5. There is variation of the bills with regard to committee, number of minority legislators on those committees, and legislative session. Specifically, there are four bills from the 81st legislative session, four from the 80th legislative session, and one from the 78th legislative session. There is one from the higher education committee, four from Public Education, two from Health and Human Services, one from Elections and one from Corrections. Each bill chosen is from a committee that has 11% or more minority membership.

Table 5-5: Actual Bill Sample

Bill	Legislative Session	Committee	Author	Minority Representation	Issue
HB 159	80th	Higher Ed	Zedler	1 AA 1 Latino 22% of total membership	Determination of resident status of students by public universities
*HB 3646	81st	Public Ed	Hochberg	2 AA 2 L 36%	public school finance and programs
*HB 2814	80th	Public Ed	Eissler	1 AA 2L 38%	pilot project in certain school districts for dual language ed in English and another language
HB 5 on school finance	78th	Public Ed	Staples	1 AA 1 L 22%	relating to mentoring services programs for at risk students in public schools
*HB 130	81st	Public Ed	Patrick	2 AA 2 L 36%	Relating to an enhanced quality full-day prekindergarten program provided by public school districts in conjunction with community providers.
*HB 2962	81st	Health and Human Services	Coleman	1 AA 1 L 18%	Relating to the administration and funding of and eligibility for the child health plan, medical assistance, and other programs.
HB 109	80 th	Health and Human Services	Turner	X	CHIPS Eligibility Provision
HB 218	80 th	Elections	B. Brown	X	Requiring voters

					to present proof of id
HB 1711	81st	Corrections	Turner	2 AA 3 L 45%	Relating to requiring the Texas Department of Criminal Justice to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility.

Overall, bill selection is based on bills: heard in committee hearing in either of these legislatures, containing minority membership on the committee, identified as minority interest because it explicitly deals with race, falls within a committee jurisdiction that disproportionately affects a minority group (i.e. immigration), and/or bill language specifically identifying a minority constituency.

Table 5-3: Minority Interest Committees and Minority Representation

Listed in the following order -81st Legislature (2009)/ 80th Legislature (2007)/ 78th Legislature (2003)

*Also note based on the preliminary analysis from the case study chapter there is no indication that a critical mass of minorities must be present for deliberation to occur on behalf of minority interests.

	Higher Ed	Corrections	Elections	Public Education	State Affairs	Human Services	Appropriations	Public Health	Urban Affairs
# of African Americans	0/1/3	2/0/0	1/0/2	2/1/1	1/1/1	0/0/0	4/4/4	1/1/1	2/0/1
# of Latinos	2/1/3	3/1/2	2/2/1	2/2/1	5/1/1	3/1/4	4/5/4	1/2/2	3/2/1
Total %age of committee membership	22%/22%/67%	45%/14%/29%	33%/29%/43%	36%/38%/22%	40%/25%/22%	33%/11%/44%	30%/32%/29%	18%/38%/33%	45%/29%/29%

CHAPTER 6

MINORITY VOICES: DELIBERATION ANALYSIS AND RESULTS

In this chapter, I provide the analysis from the efforts of legislators to infuse a discussion of minority interest topics on key legislation based on the research design in the previous chapter. Specifically, I take a closer look at the statements made and questions asked regarding minority and underserved populations during the 78th (2003), 80th (2007), and 81st (2009) committee hearings in state legislative sessions in Texas. I argue that ethnic group consciousness produces systematic racial and ethnic differences between minority and non-minority legislators: African American and Latino legislators actively discuss and bring forth minority interest topics in committee hearing discussions. Specifically, I assess the substantive role minority legislators play regarding minority representation during the policy making process by examining the actual statements and questions raised in deliberations to ensure minority impact is assessed. I focus on exchanges that legislators have with one another but also with public witnesses that offer testimony at the hearings. I concentrate on the substance of the language used by both minority and non-minority legislators and the statements made to the witnesses and by the witnesses that may ignite a discussion around how the bill impacts minorities.

While the earlier chapter on participation, which examines the differences between minority and non-minority legislators, finds that minority legislators indeed participate at greater levels on minority interest legislation in comparison to non-minority interest legislation, confirms my hypothesis regarding higher levels of commitment to minority interest. The analysis did not confirm the hypothesis that minority legislator

participation levels were greater than non-minority legislators. Though participation activity is an important piece of the puzzle regarding substantive representation, this chapter goes further and provides a systematic analysis of their deliberative efforts while in attendance at the committee hearings. Do the minority legislators enhance deliberation by bringing a distinctive voice into the dialogue? Are they speaking up more often in comparison to their White colleagues on behalf of minorities? These questions are important to ask because minority representation scholars generally measure substantive representation as roll call voting and other activities surrounding bill sponsorship and co-sponsorship, but do not address the fact that legislators provide other substantive rolls during the policy making process. Surprisingly, few minority representation scholars have examined substantive representation beyond roll call votes. Mansbridge (1999) and Williams (1998) theorized that representation is much more than roll call voting and deliberation is a key component, but empirically they have not tested deliberation. Gamble (2007) and Minta (2011) are exceptions as they explore deliberative concepts in committee hearings, which is the path this work follows and expands on at the state level.

The focus on state legislatures is key because in recent years many states' minority populations have grown and with this growth state policies have become increasingly vital to the interests of these growing populations. Consequently, the growth has resulted in an increase in the number of African American and Latinos elected to state legislatures. Moreover, the growth at both levels has resulted in greater attention and legislation that is favorable and unfavorable to minorities. Hedrick (2011) finds that immigration legislation from 2005 to 2011 was roughly 42% anti-immigrant legislation and 50% integrative legislation which attempts to expand the rights and access of

immigrants. However, more recently in 2011 there has been significant anti-immigrant legislation in comparison to integrative legislation (Hedrick 2011). For example, Alabama and Arizona in 2011 passed what are arguably the harshest immigration laws in the country. Arizona House Bill 56 (HB 56) and Alabama Senate Bill 1070 (SB 1070) are both states' recent immigration laws that include language which requires proof of citizenship. In addition, SB 1070 requires schools to determine and document citizenship status of students, and prohibits renting and/or transporting illegal immigrants. Both laws are viewed as extremely restrictive and even considered a threat to civil rights by both African Americans and Latinos. African American and Latino legislators and organizations have banded together on this legislation as well as other legislation that they feel negatively impacts minority populations. Bernard Simelton, president of the NAACP Alabama State Conference, spoke out against SB 1070 and stated that "we cannot be satisfied and we will not be satisfied until our state, the state of Alabama treats us all as equal". One of the arguments regarding the unfairness of HB 56 surrounds the limited debate that occurred on the bill. For instance, Democratic Senator Bill Beasley stated "when the bill [HB56] came through the Senate, it had very limited debate," "I felt at that time that it was a cruel law, that it was discriminatory, that it would create profiling". In addition, Olivia Turner of the American Civil Liberties Union (ACLU) said "they are just shoehorning these bills in, and there's been no due deliberation or even time for a proper reading and comprehension of these bills". While the impact of deliberation on policy outcomes is not being examined in this dissertation, undoubtedly it plays a significant role. This work is the beginning of the conversation on the substantive

impact of minority voices during deliberation on legislation, specifically the distinctive perspective they bring during the policy making process.

There are multiple ways through which legislators can make an impact during the policy making process; the mechanism I assess measures legislators' involvement in state committee hearings. Committee hearings are vehicles which provide unprecedented opportunities for exploration of the impact of legislation on the overall population as well as specific constituencies. The significant number of minority and party based interest groups that testify in support or against minority interest legislation at committee hearings supports this idea. In addition, the deliberation that occurs among legislators is also impactful and necessary for "good policy", which Fenno (2003) points out is one of the goals of legislators beyond re-election. For example, the House Speaker of the Vermont Legislature Walter Freed, "appointed Democrats to committees who were strong advocates for the minority position, in order to allow full and free debate on issues within each committee" (Squire and Hamm 2005). Furthermore, the deliberations among legislators and the public in committee hearings advantage legislators because they garner support for their priority legislation. "Cheryl Miller (1990) found that African American legislators strategically used their dispersion and leadership on various committees in order to improve the probability of passage of their priority legislation" (Haynie 2001). In the following sections, I examine the individual efforts of legislators to advocate for minority interest in committee hearing deliberation on minority interest legislation.

RESEARCH DESIGN

The bills analyzed for this chapter are chosen based on the sampling scheme explained in the previous chapter. The idea is that these bills would draw out minority voices and go beyond the use of roll call votes to measure legislative behavior. Therefore, I laboriously listen and code committee hearing transcripts on the bills listed in Table 5-4 held during the 78th, 80th, and 81st sessions. In the process of collecting this data I acquired as much information as possible about the committee process and the bills by reading newspaper clippings, interviewing state legislators, and also consulting with legislative staff. While this dissertation does have some limitations because of the nature of the data collection process, it indeed provides an in-depth picture of deliberation that hopes to contribute to the literature in an insightful way. I believe that it will lay some foundation for future research on deliberation.

Descriptive Statistics

The nine hearings represent a total of 62 hours and 36 minutes of committee deliberation, with committee hearings ranging in length from 49 minutes to over 8 hours. The nine hearings have a total of 78 members²³ acting in one of five positions during the hearing (e.g. chair, vice chair, author, sponsor, and/or committee member), however this number does not include overlap of legislators across sessions. The following are the statistics for the entire sample. Forty-six percent (46%) of the observations were democrats²⁴, closely resembling the party distribution in the entire House. Twenty

²³ 9 (78th), 36 (80th), and 33 (81st) are the total number of members in each session analyzed.

²⁴ 44% (78th), 37% (80th), and 53% (81st) is the percentage of democrat observations in each session.

percent (20%) are women²⁵. Thirty percent (30%) are minorities²⁶. None of the legislators were in their first term. Seniority ranged from 2 to 14 terms in office. Overall, the sample statistics on these bills are representative of the entire lower house on many important characteristics.

Operational Definitions

The dependent variables, “attendance”, and “deliberation” are proxies for the intensity of minority state legislators’ commitment to advocating on behalf of African American and Latino populations. Similar to Gamble’s (2007) concept of participation and deliberation respectively in Congressional hearings, which shows how often legislators participate and speak in committee hearings. Consequently, I am able to determine if minority legislators are first showing up at hearings that impact minorities and if they advocate on behalf of minorities when they are in attendance. In the following text I discuss how I measure and operationalize these concepts.

Deliberation: The dependent variable deliberation is based on frames developed using content analysis. I review taped transcripts of deliberations during committee hearing transcripts from sampled bills (Table 4), I code each sentence and/or question by minority and non-minority representative’s based on a frame recognized as a minority interest policy perspective. The frame recognized is essentially the central core of the packaging of an argument, and indicates what is at stake in a given piece of legislation (Walsh 2002). Coding for frames proceed as follows (adapted by Minta 2011 and Walsh 2002): To allow for the possibility that minorities and non-minorities use different perspectives

²⁵ 11% (78th), 20% (80th), 25% (81st) is the percentage of women observations in each session.

²⁶ 22% (78th), 23% (80th), 39% (81st) is the percentage of minority observations in each session .

in committee hearings, I create the coding categories based on the arguments set forth in the document by the nonpartisan House Research Organization. Thus the list of code categories is developed in a way that minimizes my knowledge of the race of the legislator. To increase the reliability of this coding procedure, I use an assistant to help develop the frame for a small sample of the bills, and the final coding frame will be one that is synthesized from each. I also use an assistant to code the deliberations after the frames have been established for reliability of the dependent variable. Minority interest frames include: minorities, African Americans, Blacks, Latinos, Hispanics, Equity, migrant worker(s), immigrants, legal/illegal immigrants, minority interest group (ex. LULAC, NAACP), bilingual, low income, poor, disadvantaged, English as a second language, dropouts, recapture, and teacher pay raise. The criteria used to assess these frames are explained in appendix B.

Attendance: The dependent variable attendance is a dummy variable for whether the legislator was counted as present (1) or absent (0) in the hearing transcript.

Key Independent Variable: Race of representative (Bratton and Haynie 1999), which includes minority representatives (African American and Latino legislators) coded as 1 in comparison to non-minority representatives coded as 0.

Control Variables: I control for a number of variables that have been demonstrated to affect substantive representation (See Table 6-1). I hypothesize a positive relationship for minority legislators on each of these variables, which include: democrat (Jacobson

1992) a dummy variable where 0 is republican and 1 is democrat; seniority coded as a dummy variable where 0 represents a legislator in their first term and 1 represents legislators who have served terms in office greater than 1 - because scholars have found that senior members are more likely to participate actively in committee deliberations (Cook 1986; Squire 1988, Hibbing 1991, 1993); electoral instability (Minta 2009); political incorporation, coded as 0 to 2, member, vice-chair, and chair respectively are leadership positions because the literature finds that when minority representatives hold positions of power over specific policy areas minority group influence over that specific policy increases (Preuhs 2006); female coded 0 and 1, male and female respectively; bill author, coded as a dummy variable 0 (not the bill author) and 1 (bill author); and district characteristics as it plays an important role in legislative behavior (e.g. black/Latino district population percent, family income, urban/rural percent, foreign born percent) (Rouse 2008). Specifically, Latino and African American populations within a district have shown legislators more responsive to their interests (Canon 1999; Haynie 2001; Fraga et al 2003).

Table 6-1: Control Variables and Hypothesized Relationship

Concept	Indicator	Hypothesized Relationship on Deliberation of Minority Interest Bills
Representation (DV)	# of African American and Latino State Legislators	+
Political Incorporation	Committee Vice Chair or Chair	+
Broad Incorporation	Outside ²⁷ Committee Vice Chair or Chair	+
Party	Democrat	+
Seniority	Terms in office	+
Gender	Female	+
Bill Author	Bill author	+
District Characteristics	% Urban	+
	% African American and Latino	+
Income	Income Below \$10,000	+

I consolidate the collected data for deliberation into categories based on language type – minority interest language, non-minority interest language, and all language. *Minority Interest language* is the pooled deliberation data for each legislator that consists of policy related minority interest statements and questions. *Non-minority interest language* is the pooled deliberation data for policy related non-minority interest statements and questions. *All language* includes both minority and non-minority interest language as described, in addition to non-policy related language (i.e. factual statements, factual questions, and bill explanation). See appendix B for details on the following categories. It was necessary to consolidate the data because there are not enough observations for each dimension to support a multivariate analysis of the noted hypotheses.

²⁷ Outside committee chair is legislator who holds a committee chair or vice chair position in the legislature, not in the committee being analyzed.

I conduct the analysis on multiple levels. I conduct a difference of means test on attendance, deliberation, and incorporation to analyze the differences between minorities and non-minorities by language types. I chose the logit model to estimate the attendance of minority and non-minority representatives on minority interest legislation. The purpose of this analysis is to evaluate the intensity of preferences of legislators to involve themselves on legislation that is important to minorities, simply by showing up or not showing up. Finally, I chose the negative binomial regression model to estimate the preference of legislators beyond simply showing up, but participation in the deliberative components of minority legislation once they are in attendance at the committee hearing. This model estimates the amount of minority interest and non-minority interest language by legislators if they are in attendance at the committee hearing on minority interest bills.

Table 6-2 shows the summary statistics on the key variables. As shown, there are 123 observations with the individual legislators as the unit of analysis. The maximum for minority interest language is 15 with zero as the minimum; therefore during any one of the committee hearings, the most minority interest language used by any one legislator was 15 statements and/or questions related to the policy. Interestingly, the mean for minority interest statements is relatively low at .862 which indicates that legislators discussing minority interest topics are not dominant even on minority interest legislation. The maximum for non-minority interest language is 26 with zero as the minimum; therefore during any one of the committee hearings, the most non-minority interest language used by any one legislator was 26 statements and/or questions related to the policy. The mean for non-minority interest language is 2.34, which is noticeably higher than the minority interest language, but also showing that minority interest language does

not dominate the discussion even when considering bills that have a significant impact on minority populations. The maximum for all language is 53 with zero as the minimum; therefore during any one of the committee hearings, the most language used by any one legislator was 53 statements and/or questions. Predictably *all language* has a high maximum with a higher mean of 5.44 in comparison to minority and non-minority interest language because it includes them both in addition to responses to questions and bill explanation.

Table 6-2 Summary Statistics for Language Types

<i>Variable</i>	<i>Obs</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Minority Interest Language	123	.862	2.43	0	15
Non-Minority Interest Language	123	2.34	4.68	0	26
All Language	123	5.44	10.46	0	53

The data suggest some differences exist between minority and non-minority representatives with regard to attendance at committee hearings. As shown in Table 6-3 minorities attend committee hearings at lower rates than their non-minority counterparts, evidenced by mean attendance scores of .702 to .918, statistically significant at the $p < .05$ level. This finding is contrary to my hypothesis that minorities would have higher attendance rates on minority interest legislation. Considering that one of the few extant studies on representation and participation at the committee level finds that African American legislators are more likely than whites to participate in committee activities when black interest policies are involved (Gamble 2007), it is important to dig deeper

into these findings. Potentially, it may be the demand on the minority legislators' time as Grose (2011) suggests that there are other activities outside of the legislature that minority representatives spend considerable time at higher rates than their white counterparts. Therefore, I anticipate the lower attendance rates may be a result of other demands on the minority legislators' time which may include, but not limited to, simultaneous committee meetings and constituent service in the district.

With regard to deliberation, racial differences are more apparent after attendance is taken into account. As shown in Table 6-4, when minorities attend the committee hearings their deliberation scores exceed their white counterparts, congruent with my hypothesis that minorities will have higher scores for minority interest language in comparison to their non-minority counterparts. Across all language types minorities have higher average mean scores compared to non-minorities, however not statistically significant. Additionally, there is a positive correlation (.059) for minority interest language and minority legislators and a negative correlation (-.059) for white legislators and minority interest language. Indeed, minorities substantively represent minority constituents in committee hearing deliberation when they are present at rates much higher than their non-minority counterparts.

Table 6-3: Minorities vs. Non-Minorities: Difference of Means Test for Attendance

	<i>Attendance</i>
Minorities	.702 (.076)**
Non-Minorities	.918 (.029)**
# of Observation	123

Significant at P<.01***, P -value <.05**, P-value <.10*

Table 6-4: Minorities vs. Non-Minorities: Difference of Means Test for Attending Legislators by Language Type

	<i>All Language</i>	<i>Minority Interest Language</i>	<i>Non-Minority Interest Language</i>
Minorities	7.07 (2.31)	1.53 (.633)	3.23 (1.15)
Non-Minorities	6.08 (1.22)	.835 (.265)	2.55 (.523)
# of Observations	105	105	105

Significant at $P < .01^{***}$, $P\text{-value} < .05^{**}$, $P\text{-value} < .10^{*}$

Leadership positions play a role in deliberation efforts. Table 6-5 shows where race plays an even more significant role, specifically when the minority legislators hold leadership positions. The data shows that incorporated minorities (minorities holding committee leadership positions) deliberate in committee hearings using more minority interest language on minority interest bills in comparison to their incorporated non-minority counterparts, represented by minority interest language means of 2.66 to 1.11, however not a statistically significant difference. And overall, incorporated minorities deliberate more in committee hearings on minority interest bills in comparison to their incorporated non-minority counterparts, represented by all language means of 14.33 to 10, however not a statistically significant difference. These findings magnify the importance of minorities and the difference they make when they are included in the power structure of politics.

Table 6-5: Incorporated Minorities vs. Incorporated Non-Minorities: Difference of Means Test by Language Type

	<i>All Language</i>	<i>Minority Interest Language</i>	<i>Non- Minority Interest Language</i>
Incorporated Minorities	14.33 (8.08)	2.66 (.400)	7.33 (4.33)
Incorporated Non-Minorities	10 (2.534)	1.11 (2.18)	3.62 (.817)
# of Observations	30	30	30

Significant at P<.01***, P –value <.05**, P-value <.10*

The multivariate results from the logit model in Table 6-6 shows that minorities have slightly above a 50/50 chance of attending hearings on minority interest bills in comparison to their non-minority counterparts²⁸. The positive coefficient for minority means that the likelihood of attendance did increase with race, however not statistically significant. Similarly, the positive coefficient for incorporation, broad incorporation, bill author, and the percent of non-citizens in a district have an increased likelihood in attending minority interest, all of which are statistically significant. These results support findings in the extant literature on the positive impact minorities who hold leadership positions have on changes in policy which may translate to significant positive substantive results for minorities (Browning, Marshall, and Tabb 1984).

²⁸ A logit model is the best fit for the data because a Logit model estimates the probability of the dependent variable to be 1 (Y=1). Overall the model is well done signified by the chi2 which is statistically significant at the p<.01 level, showing that the coefficients in the model are different than zero.

Table 6-6: Legislator Attendance on Major Minority Interest Legislation
Logit Regression

<i>Variable</i>	<i>Attendance (Logit)</i>	<i>Attendance (Odds Ratio)</i>
Minorities	0.065 (-1.834)	1.067 (-1.958)
Incorporation	2.181*** (-0.534)	8.858*** (-4.733)
Broad Incorporation	1.951** (-0.829)	7.041** (-5.838)
Female	-0.487 (-0.743)	0.614 (-0.456)
Democrat	-1.129 (-1.488)	0.323 -0.481
Bill Author	1.488* (-0.917)	4.431* (-4.065)
Seniority	-0.279* (-0.159)	0.756* (-0.121)
Income below \$10,000	-0.029 (-0.102)	0.971 (-0.099)
Non Citizen Percent	0.114* (-0.064)	1.121* (-0.072)
% Urban	0.012 (-0.022)	1.012 (-0.022)
Minority Population %	0.003 (-0.027)	1.003 (-0.027)
Constant	0.727 (-1.93)	
N	122	122
Chi2	.000***	.000***
Pseudo R ²	0.283	

Significant at P<.01***, P -value <.05**, P-value <.10*
Robust Standard Errors in parenthesis

DISENTANGLING RACE AND MINORITY POPULATION EFFECTS

The additional analysis for this chapter on deliberation proceeds in a way that examines both race and minority population as appropriate variables for predicting substantive representation. Until recently (Grose 2011), most scholars have found that district population and party were most predictive for substantive representation in comparison to race. However, the primary reason scholars have analyzed race and minority population in separate models is due to multi-collinearity issues i.e. both variables tend to be highly correlated and often lead to inflated standard errors when examining the impact of these variables within the same model. Similarly, I run into a comparable problem and examine the variables in two separate models. However, I employ two models – one that accounts for minority population and party without race (table 6-7) and another model that examines race without minority population and party (table 6-8). With the exception of Canon (1999) and most recently Grose (2011), most scholars examine only one model to make their conclusions on the predictive effects of race, minority population, and party on substantive representation.

The results in Table 6-7 address the question in the literature: Does the minority population percentage affect substantive representation? As stated above, this question has been answered based on work at the congressional level, in majority African American districts, and without regard to the race of the legislator because of issues of collinearity (Lublin 1997; Swain 1995). Most scholars have found that majority minority districts maximize substantive representation, particularly for African Americans (Cameron, Epstein, O'Halloran 1996; Canon 1999; Swain 1995; Whitby and Krause

2001). For example, Whitby (1997) in one of the prominent works on black representation suggests that both race and district population are important, but does not use the district population of blacks in his model due to multicollinearity. Conversely, Swain (1995) in her seminal work suggests that race is not as predictive as minority population when examining legislator responsiveness to minority populations, but does not use race as a variable in the quantitative analysis also due to multicollinearity.

The multivariate results from the negative binomial regression for the demographic model in table 6-7 confirm that minority population percentages have a significant and positive effect on deliberation, similar to Canon's (1999) seminal work and others in the representation literature. Specifically, the higher the district minority population the greater the amount of language (*all language* and *minority interest language*) used in committee hearing deliberations on minority interest bills. These findings were particularly true for white democrats with high minority populations.

**Table 6-7: Minority Deliberation Analysis on Major Minority Bills
Negative Binomial Regression (Demographic Model)**

Variable	All Language	Minority Interest Language
Minority Population	.024** (0.009)	.036** (.017)
Democrat	.353 (.425)	.045 (.599)
Incorporation	0.885*** (0.174)	0.781** (0.346)
Broad Incorporation	.015 (0.324)	-.039 (0.470)
Bill Author	-.430 (0.404)	-.443 (0.515)
Seniority	.156*** (0.008)	0.112 (0.082)
Income below \$10,000	-.118** (0.055)	-0.020 (0.069)
Female	0.664 (0.578)	.927 (0.725)
Constant	-.033 (0.497)	-3.076*** (.906)
Log Pseudo Likelihood	-258.806	-113.292
Wald chi-square (2)	53.46	26.78
Alpha	2.68 P<.001***	4.42 P<.001***
N	104	104

Significant at P<.01***, P -value <.05**, P-value <.10*
Robust Standard Errors in parenthesis

The results in table 6-8 addresses the question set forth in the beginning of this dissertation: Does descriptive representation lead to substantive representation? Using committee deliberation as the dependent variable, which again is relatively unexplored in the literature on minority representation in comparison to other outputs like roll call votes, I find that the quality of representation on issues that minorities tend to support is positively impacted by race.

The multivariate results from the negative binomial regression for the race model in table 6-8 shows a positive direction for race and minority interest language used in committee hearing deliberation on minority interest bills, however not statistically significant. I anticipate that the low number of minority representatives in the sample may contribute to the lack of significance. But as shown in the difference of means test earlier in this chapter, minority representatives on average deliberate using minority interest language more often than their white colleagues. Further, Grose (2010, 2011) finds that even when the black population of the district is considered, African American legislators provide greater substantive representation. The other variables related to previous results on substantive representation, incorporation and seniority are included to control for factors specific to each legislator. They are both positive and significantly related to deliberation.

More specifically, the multivariate results from the negative binomial regression for the race model in table 6-8 confirms that incorporated committee members and members who have served longer in the legislature were likely to deliberate more using *all language* on minority interest bills. This was not the case for the use of *minority interest language* on minority interest bills. Incorporated members did deliberate more

using minority interest language in comparison to their non-incorporated counterparts, however not statistically significant.

**Table 6-8: Minority Deliberation Analysis on Major Minority Bills
Negative Binomial Regression (Race Model)**

Variable	All Language	Minority Interest Language
Minorities	.615 (0.609)	.614 (.661)
Incorporation	0.749*** (0.221)	0.436 (0.342)
Broad Incorporation	-0.182 (0.355)	-.417 (0.465)
Bill Author	-.566 (0.448)	-.377 (0.552)
Seniority	.197*** (0.061)	0.170** (0.072)
Income below \$10,000	-.050 (0.055)	0.071 (0.061)
Female	0.338 (0.569)	.302 (0.683)
Constant	.679 (0.557)	-2.053** (.867)
Log Pseudo Likelihood	-261.780	-115.580
Wald chi-square (2)	26.11	11.43
Alpha	2.89 P<.001***	5.97 P<.1*
N	104	104

Significant at P<.01***, P -value <.05**, P-value <.10*
Robust Standard Errors in parenthesis

The two models add to the literature in a way that disentangles the individual components that have consistently played a positive role in substantive representation for minority interests. However, the contribution of this work is using committee deliberation as the dependent variable, which again is relatively unexplored in the literature on minority representation in comparison to other outputs like roll call votes.

The analysis suggests that some differences exist between the way minority representatives and white representatives deliberate on behalf of minority interests during committee hearings. The raw data shows that 22% of White members have minority language scores greater than 0, but 26% of minority representatives have minority language scores greater than 0, supportive of my hypotheses. In the next few sections, I present instances from specific committee hearings that show how minority members expand the deliberation in ways that consider minority interests.

In-State Tuition and Non-Citizens

H.B. 159 in the 80th legislative session would have eliminated the ability of non-citizens to receive in-state tuition in Texas. The bill was a major initiative pushed by Texas Republicans. There were two arguments used during committee hearings on HB 159. Supporters of the legislation argued that it would encourage illegal behavior and it incentivized illegal behavior to illegal immigrants breaking the law. Opponents of the legislation argued that regardless of citizenship status it was good policy to educate Texas residents. They argued that “undocumented students who have grown up in the United States and graduate from American high schools should not be punished for the actions of parents who brought them illegally to this country” (HRO 2007). Representative Jessica

Farrar (Latina Democrat) was key during the committee hearing on this legislation as she participated in multiple exchanges with witnesses who supported and opposed the bill. She ensured that deliberation occurred by asking questions of witnesses - mainly Hispanic students - that brought life to “uncrystallized” (Mansbridge 1999) viewpoints. Her participation centered the discussion on how the bill would leave these students with no hope for a future because it removed the provision that these same students could receive in-state tuition. Her efforts infused the debate with minority viewpoints because she asked questions of witnesses that would help them articulate how the bill would be extremely personally detrimental. Interestingly, she did not have high *minority language* scores, however she had significant *all language* scores due to the exchanges she had with witnesses. Indeed, her contribution expanded deliberation to include minority voices, in a way that would not have occurred without her participation.

Voter ID Bill

H.B. 218 in the 80th legislative session would have required a voter to present a valid voter registration card and either one form of photo identification or two different forms of non-photo identification. This was an extremely controversial bill also supported by the Texas Republican party. Supporters of the legislation argued that it would reduce the massive amounts of voter fraud occurring in Texas and restore confidence in elections by raising the bar by instituting these standards. Opponents of the bill argued that this requirement would increase the burden to vote and dampen voter participation of certain groups, including minorities, people with disabilities, and the elderly and low income voters. They also argued that the claims of voter fraud were unsubstantiated and

anecdotal at best. The deliberation during committee showed the Latino representatives presenting facts and asking questions that created considerable dialogue around the issue of voter fraud and disenfranchisement. Representative Anchia (Latino Democrat) opposed the bill and infused the deliberation with the perspective that this bill may disenfranchise voters. Below I will detail a conversation between Representative Anchia and Ms. Benkiser a public witness as an example to how he expanded the deliberation to include a perspective that spoke to minorities' concerns. The conversation begins after Ms. Benkiser has voiced her support of the bill and suggests that passing the bill is the only responsible thing to do and necessary to ensure justice for all.

Representative Anchia: “You just stated and I think very appropriately that every qualified citizen should have the right to vote. I agree with you. I think it is among one of the most important rights. Again the tension and my concern is whether we are restricting the franchise and specifically my concern is about the voter registration and having to prove you are a citizen to be a registered voter. And you probably agree with me that your testimony here today is an important right. I think it forms part of your right to address the government right?”

Ms. Benkiser: “Absolutely.”

Representative Anchia: “you know...your right to speech. You would also agree that the right to register to vote is at least a co-equal right with what you are doing here today. Correct? It’s at least as important.”

Ms. Benkiser: “Absolutely. The right to vote and to self govern is the underpinning foundation to our American system of government.”

Representative Anchia: “And in order to do that and the requirement in these bills is you have to prove you are a citizen correct?”

Ms. Benkiser: “I believe not only is it a requirement in these bills but I believe it is a U.S. constitutional requirement that one be a citizen to vote.”

Representative Anchia: “And I totally agree with that...my concern is how do you prove it. Can you prove today that you are a citizen?”

Ms. Benkiser: “Yes Sir, I can.”

Representative Anchia: “Do you have your passport, citizenship papers?”

Ms. Benkiser: “I don’t have them right now.”

Representative Anchia: “But if I were going to register you to vote right now, could you prove you are a citizen, right now?”

Ms. Benkiser: “Mr. Anchia, I appreciate what you are trying to say, the point is if I were here to register to vote, yes sir I could prove it and it wouldn’t be very much trouble.”

Representative Anchia: “But if you weren’t registered and I was trying to register you now, could you right now prove you were a citizen?”

Ms. Benkiser: “It would depend what you required from me as proof”.

Representative Anchia: “Under the bill. Do you have your passport?”

Ms. Benkiser: “No”

Representative Anchia: “Citizenship papers?”

Ms. Benkiser: “No I don’t”

Representative Anchia: “What is the 3rd thing under the bill?...birth certificate?” “Do you have your birth certificate with you?”

Ms. Benkiser: “Not with me”

Representative Anchia: “That’s the reason I am trying to articulate this tension, whether we are really restricting...giving people a tough time registering to vote, because I agree with you...every qualified citizen should have the right to vote. I worry this bill creates a problem. I appreciate you walking through that exercise with me because I like you don’t want voter fraud. I have an issue preventing access.”

This dialogue in many ways points to the deliberative contributions of Representative Anchia, particularly regarding the issue of disenfranchisement that many civil rights organizations, minority interest groups as well as minority citizens have voiced as a major concern over this type of legislation. In coding this conversation, similar to the

above example, Representative Anchia would not have received high scores on *minority interest language* however; this exchange accounts for *all language* spoken, undoubtedly advocating for minority voices.

CONCLUSION

This chapter of the dissertation project while not irrefutable regarding the role of race and deliberation it provides worthwhile findings for future research in the area of substantive representation and how it is measured. For example, it is evident that Latino and African American legislators tend to discuss the concerns of minorities and other marginalized constituencies during state legislative committee hearings. Particularly, minority representatives engage, ask questions, and at times challenge public witnesses who support legislation that may be detrimental to minority interest. This was evident in the bills that I detailed above (HB 159 and HB 218) when minority representatives had increased levels of minority interest language as well as non-minority interest language; but on bills that were more favorable to minorities, like HB 1711, there was only one instance where a minority representative (African American Representative Sylvester Turner) used minority interest language. This is an important finding because while the findings do not show significance for minorities on all minority interest legislation examined, when analyzing the data further it shows considerable evidence of minority representatives advocating on behalf of minority constituents when the legislation is threatening to minority populations. More specifically, minorities have significantly higher minority interest language mean scores (3.88) in comparison to their non-minority counterparts (.294) on legislation that is viewed as a threat to minority interest (see table

6-9 below). The same trend is found for minorities and non-minorities using *all language* on threatening bills with means of (14.66) and (7.74) respectively. I conduct a negative binomial regression for the purpose of examining these relationships further and again find significant positive relationships for minority representatives and their use of minority interest language on these threatening bills. Clearly, these results point to a substantive point of impact that minorities bring to the deliberative process.

Table 6-9: Difference of Means Test of Minority Language used on Threatening versus Non-Threatening Minority Interest Bills by Race

<i>Bill Direction</i>	<i>Non-Minorities</i>	<i>Minorities*</i>
Minority Interest Non-Threat	0.272	0.294*
Minority Interest Threat*	1.54	3.88*
Significant at P<.01***, P -value <.05**, P-value <.10*		

Table 6-10: Negative Binomial Regression of Race and Deliberation on Threatening Bills

<i>Variable</i>	<i>All Language</i>
Minorities	1.275* (0.689)
Incorporation	-.209 (0.723)
Broad Incorporation	-0.766 (0.784)
Bill Author	1.719 (1.480)
Seniority	.179** (0.077)
Income below \$10,000	-.022 (0.094)
Female	-1.607 (1.01)
Constant	.737 (1.17)
Log Pseudo Likelihood	-121.44
Wald chi-square (7)	25.21
Alpha	2.82
	P<.001***
N	44

Significant at P<.01***, P -value <.05**, P-value <.10*

With current rates of unfavorable legislation that target minority groups increasing (Hedrick 2011), I hope this research is a catalyst to improve our understanding of the substantive roles that minority representatives play during the policy process, particularly at the committee level.

The aggregate implications of this analysis are that legislators from districts with high levels of African American and Latino populations achieve substantive representation (consistent with previous work). Similar to past work, I estimated and found minority populations significant to substantive representation. While race played a

positive role in legislators advocating for minority interests in committee hearings, it was not significant, yet it is evident that minority representatives expand the discussion and provide perspectives not offered by their white colleagues. I also find evidence that incorporated minorities play a distinctive role in deliberative aspects of the policy process and do indeed play a crucial role in the advancement of minority interests on legislation. Thus, as I disentangle minority constituencies and race, I conclude that both electing minority legislators and having districts with large minority populations have a positive impact on substantive representation of minority interests during the policy making process. Further, minority legislators who hold leadership positions play a positive role in greater substantive representation.

Additionally, by utilizing this new data set in expanding the definition of substantive representation, this research attempts to advance the scholarly literature. Future research should examine whether these patterns exist in other state legislatures.

CHAPTER 7: CONCLUSION

Does descriptive representation lead to substantive representation? This is the big question examined in this dissertation and it considers the role that race of public officials play in influencing their behavior during the policy making process and to what extent race motivates their efforts in working on issues that come before the legislature. Previous scholars find that minority interests are served just as well by non-minority representatives and at times better represented (Swain 1993; Thernstrom 1987). The evidence during committee hearings in the Texas House during the 78th, 80th, and 81st legislative sessions is contrary to these findings. While white representatives attended committee hearings (minority interest and non-minority interest) more often than minority representatives, there were sizeable differences in the participation levels and the degree minority representatives advocated on behalf of minority interests. African American and Latino representatives spent generous amounts of time during committee hearings, engaging witnesses, gathering information, questioning erroneous statements, and presenting information that would positively impact important legislation, like education, healthcare, and voting rights. While, the findings regarding the impact of race on deliberation and participation was not irrefutable, based on the data collected, the findings regarding incorporated minorities was positive and significant, suggesting that institutional mechanisms like increased staff and greater resources for committee leadership had positive impacts on the ability for minority representatives to advocate on behalf of minority populations.

Additionally, this dissertation is my attempt to expand the definition of substantive representation to include deliberative aspects of the policy making process to

better understand the role of race and substantive representation. Political theorists continually suggest the impact that inclusive deliberation and diversity has on representative democracy (Mansbridge 1999; Williams 1998) and institutions that do not include certain groups are unlikely to be viewed as equitable by those historically excluded (Minta 2011), yet the increase of elected officials across all electoral institutions particularly state legislatures has been unexplored when examining deliberative aspects of the legislative process. Subsequently, the focus on committees is also a contribution of this dissertation because few scholars have examined deliberation in committees which are viewed as primary deliberative arenas (Minta 2011; Gamble 2007), and very little research has been conducted at the state level.

The steps I take in this dissertation are for the purpose of understanding the links between race, deliberation and representation. First, I analyze the differences in attendance and participation between minority and white representatives regarding attendance on major legislation because in order to capture the deliberative aspects during the committee hearings, the legislator must first show up. It also provides an area other than roll-call voting that show the contributions minority representatives make during the policy process. Second, I perform a case study on a controversial education bill in the Texas Senate as an exploratory measure and I find that the data collecting methods were feasible for expanding the project. I conducted informal interviews with legislators and staff members and I also collected massive amounts of data to ensure I had the most accurate information for capturing minority interests. Third, I produced a systematic way to determine minority interests, divergent from the representation literature that generally determines minority interests via objective and subjective measures (Haynie 2000). Last,

after coding over 77 hours of committee hearing transcripts, I am able to empirically examine the individual legislator behavior of white and minority representatives during committee deliberation on minority interest bills.

Similar to Gamble's (2007) and Minta's (2011) work I find that in certain instances, having a minority legislator present for committee deliberations, legitimizes and expands deliberation creating a more inclusive process. Although both white and minority democrats spent time engaging in deliberations in support of minorities, African American and Latino representatives consistently spent the most time engaging witnesses and their fellow colleagues on issues specific to minorities from the controversial voter ID law which sought to disproportionately disenfranchise minorities for nothing more than unsubstantiated claims of voter fraud to discussions on adequacy versus equity in education. At first glance these findings seem less than overwhelming in support of my hypothesis; however, when the perceived interest of minorities is threatened the findings are quite clear and support my hypothesis that minority representatives deliberate on behalf of minority interests more so than their non-minority counterparts. This was a key finding and an area for expansion in future research because the literature usually distinguishes legislation as general and specific Latino or African American interest (Rouse 2008), and salient versus non-salient but not necessarily focusing on the direction (threatening versus non-threatening) of the minority legislation under analysis. Minta (2011) touches on this idea as he considers the tone of the statements made by congressional legislators (positive, neutral, or negative) in his analysis and finds significant positive results for minorities advocating on behalf of minority populations,

but still his legislation differentiates along the lines of social welfare policy and civil rights legislation.

Even more poignant was the discovery of the impact that minorities holding leadership positions had during deliberative aspects, particularly I found significant and positive differences regarding participation and deliberation. Generally, committee leaders have more resources and staff support, enabling them to participate more on time intensive aspects of the legislative process like committee hearings (Minta 2011).

These discoveries will also lead to future studies in the area of deliberation because a thorough understanding of the impact that leadership positions play in the deliberative process is warranted and lacking²⁹.

Implications

African American and Latino representatives can and do provide a voice for marginalized constituencies, and their participation in committee hearings can shape the nature of the debate (Minta 2011). The ability for minority legislators to challenge stereotypes typically imparted on minorities is necessary and indispensable. The findings in chapter 3, 4 and 6 provide some support, but not irrefutable evidence, for the important

²⁹ The work of Browning, Marshall, and Tabb (1984) begins to investigate the effect of institutional incorporation in local politics and find that minority representatives must be incorporated into the dominant political regime in order to exert influence over policy decisions. Their analysis is at the city level (10 cities within same state), while this analysis is at the state level. Subsequently, Haynie (2001) finds that the effects of higher African American incorporation are not superior to the effects of increased African American descriptive representation at the state level. However he does find that institutional incorporation does have a positive, significant effect on education expenditures. The more recent work of Preuhs (2006) follows up this work at the state level investigating lower chambers and finds that when minority representatives hold positions of power over specific policy areas, minority group influence over that specific policy increases. The only relevant significant relationships he finds were in Democratic-controlled states where black education committee chairs and broad institutional incorporation were negatively related to per pupil expenditures. He notes that his analysis does a poor job accounting for extraneous and economic variables, potentially lending meaningless results. So while Preuhs's (2006) and Haynie's (2001) work is evidence that research in the area of state research and representation is not futile, uncovering the representational consequences of the institutional mechanisms at the state level is an area scholars have contradictory findings and have only begun to discover.

link between race and representation during deliberative functions in the Texas state legislature. With the increasing populations of minority populations in the United States it is important that our electoral system reflects these changes, but tradeoffs do exist. Concentrating minority populations in one district, subsequently leads to more Republican legislators in other districts who tend to pass legislation that is not favorable to minorities.

The purpose of this dissertation is not to dispute the value that white representatives bring to their African American and Latino populations; rather, it emphasizes the important role that minorities play in contributing to the policy making process through their distinctive voice and viewpoints during committee hearings. As a result of their participation during the process beyond roll call votes, the goal is that electoral bodies such as state legislatures will make better policy decisions because of their inclusion in the deliberation process. Studying the impact of race on committees forces us to take a step back in the policy process and reevaluate what it means to substantively represent constituents interests by advancing our understanding of the link between committee deliberations and governing.

FUTURE AREAS OF RESEARCH

Research on representation focuses on a single state or at the congressional level, however state legislatures provide an excellent venue for examining them fascinating dynamic. Because states vary in the balance between legislative parties, party cohesion, political culture, institutions, norms, and professionalism the consequences for representation is worth exploring. Therefore in the future I will expand this study to

multiple states. Below I will provide a glimpse of how I intend to expand this research project in the future.

Professionalization

I would argue that institutional structure has an impact on behavior. The literature states that any comparative state project must take into account the varying levels of legislative professionalization across states (Squire and Hamm 2005). That is, because more professionalized legislatures tend to have power less centralized in the hands of leaders (Squire 1992), larger staffs that can gather policy information, and legislators that are better paid and full time allowing for time to research policy implications on all constituencies leading to better decision making. While, in less professionalized legislatures, legislators tend to be poorly or not paid at all, serve only short sessions - meeting annually or sometimes biannually, have limited staffs, thereby limiting their ability to fully understand policy impact. Therefore one might expect that more professional state legislatures are more likely to participate and deliberate more on minority and non minority interest bills because of this institutional structure. Specifically, the following hypotheses detail these expectations.

H5: As legislature professionalism increases, minorities will participate and use more minority interest language on minority interest bills than on non-minority interest bills.

H6: As legislature professionalism increases, minority representatives will participate at higher rates on minority interest bills than on non minority interest bills than will non minority representatives.

Term Limits

A second key institutional variable is whether term limits are enforced in a given state. Term limits are important because it changes the legislative relationship with constituents. Specifically, term limits do not change the type of member elected but reorder policy preferences and increase influence of other political actors in the policy making process (Carey, Niemi & Powell 1998). Therefore, the following hypotheses are based on these findings.

H5: Minorities will participate and use more minority interest language on minority interest bills than on non minority interest bills in states with no term limits in comparison to states with term limits.

H6: Minority representatives will participate at higher rates on minority interest bills than non minority interest bills than will non minority representatives in states with no term limits in comparison to states with term limits.

Research Design

In order to address the research questions previously mentioned and to expand the scope of the narrow body of work that examines deliberation (Canon 1999; Gamble 2005; 2007), I will perform an analysis of minority legislator participation rates on bills. In addition, I will perform content analysis of minority representatives' language on bills for minority interest perspectives during state legislative committee hearings. While a considerable amount of literature on representation has been conducted at the congressional level, each of these methods will make an empirical and theoretical contribution to the literature on our understanding of minority representational behavior

because it will provide an in depth, multiple contexts and multiple session analysis at the state level which has yet to be explored. Below I will provide some insight into why I chose to study specific states within this project.

The sample of states chose indeed capture variation at institutional and contextual levels, providing for an analysis that will make a theoretical and empirical contribution. The most important factor for this research project in studying minorities is choosing states with significant African American and/or Latino populations. Thus, the states chosen are sampled from among the twenty two most minority populated states within the United States (U.S. Census 2000). Secondly, prerequisites based on two very key institutional mechanisms I am interested in studying include term limits and legislative professionalization. Since it is impossible to conduct research across all 22 states, I will sample from the distribution of states listed. Therefore the result of the states for analysis is limited to California, Florida, Illinois, New Jersey, Arizona, Louisiana, Texas, Connecticut, New Mexico, and Georgia. As shown below in Table 7-1, the states are distributed across the two key variables, professionalization and term limits, outlining the variation in detail. Four of the ten states employ term limits and they range in terms of professionalization on a scale of low, medium, and high (Kurtz 1992). I intend to study states with both high African American and Latino populations (see Table 7-2), but also states with high populations of each (see Table 7-3 and 7-4). For instance Louisiana has an African American population of 32.5% and a Latino population of 2.4% with term limits, whereas New Mexico has a Latino population of 42.1% and an African American population of 1.9% with no term limits. Table 2 below shows the states demographic information in more detail.

Table 7-1 – Professionalization and Term Limit Variation

<u>Professionalization</u>			
<u>Term Limits</u>	<u>High</u>	<u>Medium</u>	<u>Low</u>
Yes	California ³ Florida ¹ Michigan ² Ohio ²	Arizona ³ Louisiana ² Alabama ²	N/A
No	Illinois ¹ New Jersey ¹ , New York ¹ Pennsylvania ² Massachusetts ³	Texas ¹ Connecticut ¹ North Carolina ² Virginia ² South Carolina ² Arkansas ² Maryland ²	New Mexico ³ Georgia ² Mississippi ²

Highlighted cells indicate the states I will examine from the sample of states meeting the institutional and demographic selection criteria

1 – States with both high (over 9% of the populations) African American and Latino Populations

2 – States with high African American population, low (below 5% of the population) Latino population

3 – States with high (over 9% of the populations) Latino population, low (below 5% of the population) African American population

Table 7-2 - States with High Black and Latino Populations		
State	Black Population	Hispanic Population
*Texas	11.5%	32.0%
Florida	14.6%	16.8%
Illinois	15.1%	12.3%
Connecticut	9.1%	9.4%
New Jersey	13.6%	13.3%
**Dissertation analysis is Texas		
Table 7-3 – States with High Latino populations		
State	Black Population	Hispanic Population
California	6.7%	32.4%
Arizona	3.1%	25.3%
New Mexico	1.9%	42.1%
Table 7-4 - States with High Black Populations		
State	Black Population	Hispanic Population
Georgia	28.7%	5.3%
Louisiana	32.5%	2.4%

Methods

I will employ the above hypotheses using cross-sectional state level and individual level data for ten states between 2002-2012. A sub-national analysis of these ten states offers a range of institutional, political and cultural contexts and variation from more than one legislative body, in order to expand the empirical and theoretical basis of this line of study. In addition, this analysis will also offer the opportunity to check generalizability of representation theory, but also evaluate the impact of the institutional contexts on these theories. The unit of analysis is the participation of the representative. Notably, none of the states with the professionalization designation of low with term limits fit the base line criteria.

To study whether minorities provide substantive representation during committee meetings, sampled bills chosen from the ten states will be restricted to major legislation that passed. It will be determined by a strict set of criteria using inter-coder reliability to draw the sample. They will be chosen based on areas that have been historically perceived as minority interest areas such as, immigration and bilingual education (Sanchez 2006), as well as health, social welfare, education, civil rights and employment opportunity issues (Haynie 2001). There will also be bills sampled that are not typically considered minority interest bills.

To conduct this study I will use the following operational definitions for the key variables. My decisions about how to measure and operationalize these concepts are based on the same definitions in previous chapters. In the following text I discuss how I measure and operationalize concepts that will be used in addition to deliberation, participation, and standard controls.

A1: Professionalization: The independent variable professionalization will be coded based on the three levels of professionalization developed by (Kurtz 1992), i.e. citizen, hybrid and professional (coded 0, 1, and 2 respectively). Professional legislatures are ones that are in session the majority of the year, have larger personal staff, and are the highest paid more, distinctly opposite are citizen legislatures. Hybrid legislatures are in between, with more resources and staff than their citizen counterparts but much less than the professionalized legislatures.

A2: Term Limits: The independent variable term limits will be coded 0 or 1, where 1 is a state with term limits and 0 is one without.

This study will contribute to the discipline by advancing our understanding of how minority representation impacts the legislative policy making process, specifically using a new innovative quantitative assessment of deliberation. It will make a significant contribution to our understanding of diversity on the deliberative process, but equally important it will highlight the impact of deliberation, considering it is one of our most fundamental democratic principles. A multi-state study will provide diversity on multiple contextual and institutional levels that will perhaps contribute to a foundation on which key theoretical generalizations can be built.

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APPENDIX A

LIST OF BILLS FOR DATA SET

Subject Area of Bill	Session	Bill Number/Author and Description *Indicates Enrolled Bill
1. Civil Liability	78th	HB 4 Nixon Revising medical malpractice and tort liability laws
2. Criminal Justice	78th	HB 614 Keel Prohibiting death sentence for person found mentally retarded
3. Economic Development and Finance	78th	* HB 2668 Allen Requiring probation for possession of certain controlled substances
4. Economic Development and Finance	78th	* HB 2703 Bailey Making evidence tested by unaccredited crime laboratory inadmissible
5. Economic Development and Finance	78th	HB 730 Ritter Creating the Texas Residential Construction Commission
6. Economic Development and Finance	78th	* HB 1282 McCall Restricting unsolicited commercial e-mail or “spam”
7. Economic Development and Finance	78th	HB 1407 Hupp Allowing exhibition of amusement redemption machines by charities
8. Elections	78th	HB 54 Wolens Enhancing penalties for fraud in early voting by mail
9. Elections	78th	* HB 1549 Denny Implementing the Help America Vote Act
10. Elections	78th	* HB 2496 Branch Changing the dates of primary elections
11. Environment	78th	HB 1365 Bonnen Funding the Texas Emissions Reduction Plan
12. Environment	78th	* HB 1457 Eiland Suspending enforcement of the public beach access law
13. Environment	78th	* HB 1567 West Licensing a private entity to dispose of low-level radioactive waste
14. Environment	78th	* HB 3152 Bonnen Amending requirements for removing contaminants from groundwater
15. Families and	78th	HB 15 Corte Requiring informed consent from

Children		a woman before abortion
16. Families and Children	78th	* HB 729 Goodman Regulating gestational agreements under the Uniform Parentage Act
17. Families and Children	78th	HB 1175 King Prohibiting human cloning
18. Families and Children	78th	HB 1911 Talton Prohibiting placement of foster child with homosexual or bisexual parents
19. Government Affairs	78th	HB 2/ SB 1952 Swinford Omnibus government reform initiatives
20. Government Affairs	78th	* HB 9 Flores Establishing a statewide homeland security strategy
21. Government Affairs	78th	HB 568 Mowery Prohibiting involuntary annexation
22. Government Affairs	78th	* HB 1606 Wolens Revising ethics laws and Texas Ethics Commission procedures
23. Government Affairs	78th	* HB 2933 Flores Transferring Commission on Human Rights to Texas Workforce Commission
24. Health and Human Services	78th	HB 1920/HB 1921/SB 43/SB 486 Capelo Revising state policies on child immunization
25. Health and Human Services	78th	* HB 2292 Wohlgemuth Reorganizing health and human services agencies
26. Health and Human Services	78th	* HB 2985 Capelo Creating a patient protection office within the Health Professions Council
27. Higher Education	78th	HB 1887 Morrison Allowing public universities to retain overhead expenses
28. Higher Education	78th	* HB 3015 Morrison Deregulating tuition at public higher education institutions
29. Higher Education	78th	* HB 3526 Hamric Consolidating two higher education excellence funds
30. Insurance	78th	HB 329 Naishtat Requiring licensing and regulation of mold assessors and remediators
31. Judiciary	78th	HB 599 Chisum Continuing the State Bar of Texas

32. Public Education	78th	HB 5 Grusendorf Changing public school finance and restructuring the state tax system
33. Public Education	78th	HB 580 Nixon Allowing parochial and private schools to join University Interscholastic League
34. Public Education	78th	HB 859 Madden Deregulating home-rule charters and changing election procedures
35. Public Education	78th	HB 1554 Grusendorf Authorizing state funding for virtual charter schools
36. Public Education	78th	HB 2465 Grusendorf Creating a publicly funded school voucher pilot program
37. Public Education	78th	* HB 3459 Pitts Appropriations-related changes to education statutes
38. Public Employees	78th	HB 3208 Heflin Authorizing lump-sum bonus payments to certain retiring state employees
39. Public Employees	78th	* HB 3257 Delisi Creating a health reimbursement arrangement program for school employees
40. Redistricting	78th	HB 3398 Crabb Redrawing Texas congressional districts
41. Taxation and Revenue	78th	HB 53/ HB 267/HB 1603/HB 3192/SB 1153 Wolens Increasing cigarette taxes to pay for various programs
42. Taxation and Revenue	78th	* HB 2425 McCall Implementing the multistate streamlined sales tax initiative
43. Taxation and Revenue	78th	* HB 2458 Krusee Rewriting the motor-fuel tax code and changing the collection point
44. Taxation and Revenue	78th	HB 3146 Wilson Extending the franchise tax to additional business concerns
45. Taxation and Revenue	78th	HB 3223 Bohac Limiting increases in real property appraisals for nonschool taxes
46. Taxation and Revenue	78th	HJR 2/ HB 3207 Heflin Requiring repayment to the rainy day fund
47. Transportation and Motor Vehicles	78th	HB 814/ SB 422/HB 3588 Gutierrez Creating a motor-vehicle financial responsibility verification program
48. Transportation and Motor Vehicles	78th	HB 901 King Authorizing photographic traffic-signal enforcement by cities
49. Transportation and	78th	* HB 2971 Harper-Brown Standardizing, marketing, and creating new specialty license

Motor Vehicles		plates
50. Transportation and Motor Vehicles	78th	* HB 3588 Krusee Trans-Texas Corridor and transportation policy and funding revisions
51. Transportation and Motor Vehicles	78th	HJR 28/ HB 471Pickett Short-term transportation borrowing and highway revenue bonding
52. Business Regulation and Economic Development	80th	HB 1038 Ritter Revising operation of Texas Residential Construction Commission
53. Business Regulation and Economic Development	80th	* HB 1634 Dukes Incentives for film, television, and related industries
54. Business Regulation and Economic Development	80th	* HB 3358 Smithee Prohibiting insurance rate increases during judicial review
55. Business Regulation and Economic Development	80th	HB 2960 Smithee Restructuring the Texas Windstorm Insurance Association
56. Criminal Justice	80th	HB 8 Riddle Death penalty, other punishments for repeat sex crimes committed against children
57. Criminal Justice	80th	* HB 1355 Gattis Felony for owners of dogs causing serious bodily injury or death
58. Criminal Justice	80th	* HB 2328 Woolley Cruelty to animals penalties
59. Criminal Justice	80th	HB 3200 Madden State basic supervision funding for local probation departments
60. Elections	80th	HB 218 B. Brown Requiring voters to present proof of identification 42
61. Elections	80th	* HB 556 Hilderbran Exemption for disabled voter accessibility in certain elections 44
62. Elections	80th	HB 626 P. King Proving U.S. citizenship to register to vote 46
63. Elections	80th	HB 2017 Giddings Moving the primary election date to the first Tuesday in February 48
64. Environment	80th	HB 12 Hilderbran Funding and jurisdiction of TPWD and Historical Commission 52
65. Environment	80th	* HB 3732/HJR 93 Hardcastle Chisum Implementation of advanced clean energy

		projects
66. Families and Children	**	HB 2685 Chisum/ Marriage license fee waiver for premarital education/ * HB 2683 Chisum Marriage promotion grants
67. Government Affairs	80th	HB 10 Chavez Prosecution defense for certain gambling for Native American tribes
68. Government Affairs	80th	HB 13 Swinford Homeland security, border security, TDEx database, immigration enforcement
69. Government Affairs	80th	HB 28 Berman Illegal immigration restrictions: Prohibiting children of illegal immigrants from receiving state benefits
70. Government Affairs	80th	HB 461 Miller Prohibiting mandatory participation in an animal ID system
71. Government Affairs	80th	* HB 991 Rose Limiting disclosure of concealed handgun licensees
72. Government Affairs	80th	HB 2006 Woolley Revised standards for authority to use eminent domain power
73. Government Affairs	80th	* HJR 19 Branch Requiring legislators to cast record votes
74. Health and Human Services	80th	HB 9 Crownover Banning smoking in all workplaces and public places
75. Health and Human Services	80th	* HB 14 Keffer/ * HJR 90 Keffer Cancer research funding
76. Health and Human Services	80th	* HB 109 Turner Children's Health Insurance Program eligibility revisions
77. Health and Human Services	80th	* HB 1098 Bonnen Preventing HPV vaccine from being required for admission to school
78. Health and Human Services	80th	* HB 3575 Rose Monitoring and update of HHS eligibility systems
79. Health and Human Services	80th	HB 3778 Rose Nursing home quality assurance fee
80. Higher Education	80th	HB 159 Zedler Determination of resident status of students by public universities 124

81. Higher Education	80th	* HB 3826 Morrison High school curriculum requirements for higher education admission 126
82. Higher Education	80th	HB 3828 Morrison Performance incentive funding for higher education institutions 127
83. Higher Education	80th	* HB 3900 Morrison Establishing the Texas Tomorrow Fund II prepaid tuition program
84. Judiciary	80th	HB 1602 Van Arsdale Amending venue rules for lawsuits involving maritime workers
85. Public Education	80th	HB 1287 Chisum Adding study of the Bible as public school elective course
86. Public Education	80th	HB 1387 P. King Requiring school districts to conduct feasibility studies before taking land
87. Public Education	80th	* HB 2237 Eissler Programs and grants for dropout prevention, high school success, and college readiness
88. Public Education	80th	* HB 2532 Patrick Alternative school placement of students expelled for felonies and registered sex offenders
89. Public Education	80th	* HB 2814 Eissler Requiring TEA to establish a dual language education pilot program
90. Public Education	80th	* HB 3678 C. Howard Voluntary expression of religious viewpoints in public schools
91. Taxation and Revenue	80th	HB 216 Otto Increasing school district margin of error in comptroller's property value study
92. Taxation and Revenue	80th	* HB 1751 Cohen Entry fee for sexually oriented businesses to fund sexual assault prevention
93. Taxation and Revenue	80th	HB 2785 Paxton Further compression of school district property tax rates
94. Taxation and Revenue	80th	* HB 2994 Bonnen Allowing limitations on appraised value for nuclear and coal gasification plants
95. Taxation and Revenue	80th	HB 3821 Villareal Mandatory property sales price disclosure
96. Taxation and Revenue	80th	* HB 3928 Keffer Correcting and modifying the revised franchise tax
97. Taxation and Revenue	80th	* SJR 13 Averitt/* HB 5 Berman Proportionate reduction in elderly and disabled school tax freeze amount
98. Transportation	80th	HB 323 Hamilton Three-point seat belts for school buses 190

99. Transportation	80th	HB 1439 Chisum Driver record monitoring pilot program
100. Utilities	80th	HB 735 Straus Repealing the Telecommunications Infrastructure Fund assessment 206
101. Utilities	80th	* HB 1090 Swinford Grants to encourage electric energy generation with biomass materials 207
102. Utilities	80th	* HB 3693 Straus Electricity efficiency and conservation incentives
103. Business Regulation and Economic Development	81st	HB 873 Duke State incentives for media productions
104. Business Regulation and Economic Development	81st	HB 2295 McClendon Continuing the Texas Residential Construction Commissio
105. Business Regulation and Economic Development	81st	HB 4409 Taylor/ SB 14 Fraser Restructuring the Texas Windstorm Insurance Association (TWIA)
106. Business Regulation and Economic Development	81st	* HB 3676 Heflin Extending school district property-value limitation agreements
107. Business Regulation and Economic Development	81st	* HB 3896 Oliveira Revising and extending local tax abatement agreement authority
108. Business Regulation and Economic Development	81st	HB 4525 Parker Establishing qualified manufacturing project zones
109. Business Regulation and Economic Development	81st	HB 4409 Taylor/ Restructuring the Texas Windstorm Insurance Association (TWIA)
110. Criminal Justice	81st	HB 498 McClendon State study on wrongful convictions
111. Criminal Justice	81st	* HB 1711 S. Turner Comprehensive offender reentry plan after prison release
112. Criminal Justice	81st	* HB 1736 Anchia Revising compensation for the wrongfully convicted (Tim Cole Act)

113. Criminal Justice	81st	* HB 2003 McCall Making cyber-harassment a crime
114. Criminal Justice	81st	* HB 2066 Gallego Second- and third-degree felony for domestic violence strangulation
115. Criminal Justice	81st	* HB 2086 Moody Prosecution and punishment for gang activities
116. Criminal Justice	81st	HB 2267 Hodge No death penalty for certain accomplices, separate trials for capital murder
117. Criminal Justice	81st	* HB 3228 Madden Detecting contraband and monitoring cell phones in correctional facilities
118. Criminal Justice	81st	* HB 3689 McClendon Continuing Texas Youth Commission, Texas Juvenile Probation Commission
119. Elections	81st	HB 2511 T. Smith Revising political contribution and expenditure restrictions
120. Environment and Energy	81st	HB 395 Hartnett Repealing the state's goal for generating capacity from natural gas
121. Environment and Energy	81st	* HB 469 P. King/ HB1796 Chisum/ * SB 1387 Seliger Carbon dioxide capture and storage
122. Environment and Energy	81st	HB 836 S. Miller Hunting feral hogs by helicopter
123. Environment and Energy	81st	HB 1243 Gallego/ Sales of distributed renewable energy generation
124. Environment and Energy	81st	HB 1866 Solomons
125. Environment and Energy	81st	HB 1182 S. Turner Moving oversight of System Benefit Fund from Legislature to PUC
126. Environment and Energy	81st	* HB 1796 Chisum/ SB 16 Averitt Revising state air pollution emissions-reduction programs
127. Environment and Energy	81st	* HB 2259 Crownover Extending deadlines to plug inactive oil or gas wells
128. Environment and Energy	81st	HB 3245 Solomons Providing consumer protections in the restructured electric market
129. Environment and Energy	81st	HB 1937 Villarreal Property assessments to finance energy-efficient improvements

130. Gaming	81st	HB 2081 Isett/ SB 1013 Hinojosa Continuing the Texas Racing Commission
131. Government Affairs	81st	*HB 1831 Corte Emergency management, disaster preparedness, and school safety
132. Government Affairs	81st	HB 1976 Solomons Procedures for operating property owners' associations
133. Government Affairs	81st	* HB 2559 Truitt Employees Retirement System benefit and retirement eligibility
134. Government Affairs	81st	HB 1831 Corte Emergency management, disaster preparedness, and school safety
135. Government Affairs	81st	HB 1976 Solomons Procedures for operating property owners' associations
136. Government Affairs	81st	* HB 2559 Truitt Employees Retirement System benefit and retirement eligibility
137. Health	81st	HB 5 Crownover/ SB 544 Ellis Banning smoking in certain public and work places
138. Health	81st	* HB 1310 Solomons Restricting use of indoor tanning facility devices by minors
139. Health	81st	* HB 1358 Keffer Revisions to Cancer Prevention and Research Institute
140. Health	81st	HB 1541 S. Turner Extending Medicaid continuous eligibility
141. Health	81st	* HB 1672 Crownover/ * HB 1795 Pierson Newborn screening, retention of newborns' genetic material
142. Health	81st	HB 2962 Coleman/ SB 841 Averitt CHIP eligibility revisions; CHIP buy-in program
143. Health	81st	SB 7 Nelson/ SB 8 Nelson/ SB 10 Duncan/* HB 1218 D. Howard/* HB 1218 D. Howard/* HB 4586 Pitts Pay-for-performance, other health care payment initiatives
144. Health	81st	SB 204 Shapleigh/ HB 1523 Alvarado Ban on foods with trans fats in certain establishments
145. Health	81st	SB 1500 Duncan/ HB 3485 Coleman Employment of physicians by certain hospitals
146. Health	81st	HB 5 Crownover/ SB 544 Ellis Banning smoking in certain public and work places
147. Health	81st	* HB 1310 Solomons Restricting use of indoor tanning facility devices by minors

148. Health	81st	* HB 1358 Keffer Revisions to Cancer Prevention and Research Institute
149. Health	81st	HB 1541 S. Turner Extending Medicaid continuous eligibility
150. Higher Education	81st	* HB 51 Branch/ * HJR14 Corte Funding incentives to promote more tier-one research universities
151. Higher Education	81st	HB 2083 Solomons Junior college employee group health insurance benefits
152. Higher Education	81st	HB 3276 D. Howard Determining student priority in awarding TEXAS grants
153. Higher Education	81st	* HB 51 Branch/ * HJR14 Corte Funding incentives to promote more tier-one research universities
154. Higher Education	81st	HB 2083 Solomons Junior college employee group health insurance benefits
155. Higher Education	81st	HB 3276 D. Howard Determining student priority in awarding TEXAS grants
156. Judiciary	81st	HB 670 Martinez Fischer Qualified privilege for journalists not to testify
157. Judiciary	81st	HB 1657 Giddings Defining general contractor for workers' compensation
158. Public Education	81st	* HB 3 Eissler School accountability and public school curriculum revisions
159. Public Education	81st	HB 130 Patrick Full-day prekindergarten for certain children
160. Public Education	81st	* HB 171 Olivo Mitigating factors in disciplining students
161. Public Education	81st	HB 710 Rose Sunset review of the State Board of Education
162. Public Education	81st	HB 2823 Patrick Excluding private schools from eligibility for certain TEA grants
163. Public Education	81st	* HB 3646 Hochberg Formula funding for public school finance, teacher pay raises
164. Public Education	81st	* HB 4294 Branch Buying electronic textbooks, materials, and technology
165. Public Education	81st	HJR 77 D. Howard/ HB 2037 D. Howard Replacing SBOE as managers of the Permanent School Fund
166. Public Safety	81st	* HB 55 Branch Prohibiting wireless device use while driving in a school zone
167. Public Safety	81st	* HB 339 Phillips Driver's education and licensing requirements for minors
168. Public Safety	81st	* HB 537 Berman Requiring safety belts for minors in passenger vehicles

169. Public Safety	81st	SB 1164 Wentworth/ HB 1893 Driver Allowing certain licensees to carry weapons on college campuses
170. Public Safety	81st	* HB 2730 Kolkhorst Continuing Department of Public Safety, Private Security Board
171. Taxation and Revenue	81st	* HB 8 Otto Comptroller property value study and appraisal district review
172. Taxation and Revenue	81st	* HB 770 D. Howard Homestead exemption for damaged homes; Open Beaches Act
173. Taxation and Revenue	81st	exception; property-tax exemption for chambers of commerce
174. Taxation and Revenue	81st	HB 982 Thompson/ HB 2070 Cohen Raising revenue from sexually oriented businesses
175. Taxation and Revenue	81st	* HB 1038 Paxton Including foreclosed homes in homestead property appraisals
176. Taxation and Revenue	81st	* HB 1801 Bohac Adding certain backpacks and school supplies to sales-tax holiday
177. Taxation and Revenue	81st	* HB 2154 Edwards Physician education loan repayment program; tobacco products tax
178. Taxation and Revenue	81st	* HB 3611 Otto/ * HB 3612 Otto/* HB 3613 Otto/Property appraisal revisions
179. Taxation and Revenue	81st	* HB 3613 Otto Disabled veterans' exemption from property taxation
180. Taxation and Revenue	81st	* HB 4765 Oliveira Revising small business exemption from business margins tax
181. Transportation	81st	* HB 1 (1st) Pitts Issuing general obligation bonds for highway improvements
182. Transportation	81st	HB 300 Isett Continuing and revising the Texas Department of Transportation
183. Transportation	81st	* HB 3097 McClendon Creating Dept. of Motor Vehicles; regulating auto parts recyclers

APPENDIX B

CODING PROTOCOL FOR STATE LEGISLATIVE HEARINGS

(Adapted from Walsh 2002 and Minta 2011)

- (1) Determine type of statements used. Statements may include legislators' opening statements, verbal exchanges between legislators and witnesses, verbal exchanges between or among legislators, bill explanation, and verbal requests regarding bill information.
 - a. Policy Related Language is coded
 - i. Does not include procedural/administrative/One word statements
 1. Statements regarding Roberts Rules of Order Ex. "The chair recognizes"
 2. Introduction of witnesses, such as "Hello Mr...", "Mr. Moak is here on behalf of ..."
 3. "Yes" "No"
- (2) Policy Related Language. Policy related language can relate to the statement or question that defines/explains the bill after its initial reading, expresses policy preferences, factual statements to support or against the bill, impact statements, statements or questions made to witnesses or other legislators.
 - a. If legislators are identified as using policy related language, then the following coding scheme is used to assess the language.
 - i. Minority Interest Policy Question(s) or Statement(s)
 1. Question or Statement
 2. These are questions, answers, or statements made by a representative related specifically to the policy which mentions a minority interest frame i.e. impact, detail, rules, or explanation.
 - ii. Non-Minority Interest Policy Question(s) or Statement(s)
 1. Question or Statement
 2. These are questions, answers, or statements made by a representative related specifically to the policy with no mention of a minority interest frame i.e. impact, detail, rules, or explanation.
- (3) Non-Policy Related Language. These are administrative or procedural comments made to help facilitate the meeting.
 - i. Factual Question(s) or Statement(s)
 1. Are not directly related to the bill impact or details but may be based on responses to questions, procedure and/or witness testimony.
 2. Also occurs when the legislator is answering a question or making a statement that is not recognizable as policy related; examples include "yes" "thank you" etc.

(4) Bill Explanation

1. When bill facts are clarified and no opinion from the representatives expressed
2. This is usually when the Chair, Bill author, legislator, or person providing public testimony is directly explaining or defining parts of the bill

The following information is also required coding:

Date	The date of the committee hearing
Member	Representative that is speaking
Public Witness	The person that is standing giving public testimony usually says there name and where they are from (record this information)
Session	This is recorded as the number of sessions that have occurred on the same day, because sometimes they adjourn for lunch and I want to account for the number of sessions regarding the bill on the same day
Round	<p>This is the dialogue (a conversation) that occurs between members and/or persons giving testimony - please record the language spoken for them as well</p> <ul style="list-style-type: none">• So for example if West is talking to Shapiro and he makes a statement then she makes a statement, (this is round 1)• Therefore round 1 is the first conversation that happens at the beginning of a committee hearing and so on• Keep in mind that there can be multiple people in a round because people interject on a conversation often
Time	<p>Record the time (it can be approximate) that legislators start conversations (this can be tricky) and make require you to start and stop the transcript often.</p> <ul style="list-style-type: none">• This is the time as shown on the online video
Addressee	Who is the person talking to (put "all" if a person is not talking directly to anyone)

Additional Instructions

- (1) Participants may make long statements that may contain multiple categories – minority interest question, minority interest statement, etc. When this occurs, the language is coded in subparts.
- (2) If legislators show up to the hearings but do not speak record their name.

APPENDIX C

DATA AND METHODS

Please note that a problem that arose with estimating the models are regarding repeat observations in the data. Because I pooled the deliberation and participation data from different committees in the three Texas legislative sessions that held the minority interest and non-minority interest committee hearings, there were legislators who served on more than one committee and therefore appear more than once in the sample. In the 78th session deliberation and participation chapter sample, Representative Eissler served on both the Human Services and Public Education. Representative Eissler is a member of both committees therefore he participated and engaged on bills heard during the committee hearing deliberations. As a result he appears in the data sample more than once. This is the case for legislators that are on multiple committees or on a committee in the sample that has more than one bill examined during the same session, in addition to legislators that are members on a committee but did not participate or attend. Consequently, the standard maximum likelihood assumption that all observations are independent is violated. If I did not correct for the independence violation and continued with ordinary estimation procedures, the standard errors in the results would be incorrect (Greene 2000). The correction for the repeat observations is done using clustered standard errors, which relax the independence assumption among observations in the data and produce correct standard errors (Minta 2011).

Appendix D

Minorities in Texas

Session	African Americans	Caucasians	Latinos	Asian Americans	House Democrats	House Republicans	Senate Democrats	Senate Republicans	House Males	House Females	Senate Males	Senate Females
82 nd (2011)	(14)				49	101	12	19	118	32	25	6
81 st (2009)	(14)		(29)		74	76	12	19	113	37	25	6
80 th (2007)	(13)		(30)		69	80	11	20	117	32	27	4
79 th (2005)	(14)		(29)		63	86	12	19	118	31	27	4
78 th	16 (14)	127 (105)	37 (30)	1 (1)	62	88	12	19	118	32	27	4
77 th	16 (14)	130 (108)	34 (27)	0	78	72	15	16	120	30	27	4
76 th	16 (14)	130 (108)	35 (28)	0	78	72	15	16	121	29	28	3
75 th	16 (14)	129 (108)	35 (28)	0	82	68	14	16	121	29	28	3
74 th	16 (14)	131 (109)	33 (26)	0	87	63	14	17	121	29	27	27

Texas Legislature Online (2011)

Parenthesis () represent the number(s) in the lower chamber.